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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

19° VICTORIÆ, 1856.

VOL. CXLI.

COMPRISING THE PERIOD FROM

THE TWELFTH DAY OF MARCH, 1856,

TO

THE FIFTH DAY OF MAY, 1856.

Second Volume of the Session.

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TUESDAY, APRIL 1.

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THURSDAY, APRIL 10.

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MONDAY, APRIL 14.

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WEDNESDAY, APRIL 16.

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MONDAY, APRIL 21.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Fourth Session of the *Sixteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 20 August, 1852, and from thence
continued till 31 January, 1856, in the Nineteenth Year
of the Reign of

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, March 12, 1856.

Minutes.] Public Bills.—1° Aggravated Assaults.
2° Commissioners of Supply (Scotland); Reformatory Schools (Scotland); Bankruptcy (Scotland).

COMMISSIONERS OF SUPPLY (SCOTLAND) BILL.

Order for Second Reading read.

Mr. DUNLOP, in answer to Mr. E. Lockhart, said, that Commissioners of Supply in Scotland were originally appointed for the purpose of levying taxes; that function, however, was now entirely superseded. Their principal function at present was the whole charge of levying the county rate. It had been the practice to pass a periodical Supply containing the names of persons who were qualified to act as Commissioners. The object of the present Bill was to supersede the necessity of this periodical naming, and to allow the qualification, which consisted in the possession of a certain quantity of land, to be in itself sufficient.

The LORD ADVOCATE said, he did not see any objection to the Bill.

Bill read 2°.

REFORMATORY SCHOOLS (SCOTLAND) BILL.

Order for Second Reading read.

Mr. MAGUIRE: Sir, I would most earnestly claim the attention of the hon. Gentlemen who have the conduct of this Bill, and of the right hon. Members who represent the Government in this House, as I desire to lay before them and the House the claims of those on whose behalf I now appear as an advocate for common justice. Those in whose behalf I am interested, and whom I now represent, are the Irish Catholics resident in Scotland. But before I enter into their case, I think it only due to myself, in the first place, to state, as clearly and succinctly as possible, the opinions which I held with respect to the system on which reformatory schools are founded. There is not in this House a more warm advocate or a more earnest supporter of the principle of reformatory institutions than I am; and I freely admit that those gentlemen who, by the establishment of such institutions, attempted to solve the difficult problem of the reformation of the juvenile criminal population of the country, are entitled to every credit for their wisdom, benevolence, and courage; but there, I regret to say, I am compelled to stop. Whatever religious opinions may be entertained by hon. Members, I believe they will admit that the best and most successful agent for the reformation of vagrant children, and of those who have actually entered on a career of crime, is through the instrumentality of religious teaching. But in order to render the influence of religious teaching effective, and therefore successful, it is necessary that it should be in strict conformity with those doctrines and that creed in which the child had been instructed, or which he had been accustomed to respect as true. In fact, to render religious teaching what it ought to be made, there should be a perfect identity of religious feeling between the teacher and the person taught. Now, my complaint is this—that this sound principle is not adhered to in the Scotch reformatory schools, which, whatever the motives and intentions of their founders, are converted to the most ungenerous and unworthy objects. I shall explain to the House why it is imperative that the system of religious teaching which I advocate should be adopted in Scotland. The Irish population in Scotland amounts in round numbers to somewhere between 250,000 and 300,000. It is scarcely necessary to say that the vast majority of those people are Catholics, and that they live by labour. Many of them are the very poorest of the poor. The great body of them had left their own country under the pressure of poverty, and sought an asylum and a means of subsistence amongst a people with whom, unfortunately, they could have but little sympathy. Devoting themselves to the rudest kind of labour, the Irish in Scotland are, of all others, the most liable to all the evils which arise from the fluctuations of trade and business. The stoppage of any great work, nay, even a contrary wind, may reduce thousands of poor Irish to the deepest distress. It is the children of the Irish population who are most likely to come within the designation of vagrant, and, therefore, within the operation of the Act, of which the present Bill purports to be an amendment. Let me put a case to the House, such as must of necessity frequently occur. Take an Irish labourer who has been four years in Scotland; he is suddenly thrown out of work, and in a short time reduced to a condition of the deepest distress. No Irish-born person can claim the privilege of non-removability unless he has resided as many as five years in the same parish in Scotland, and that without ever having applied for parochial relief. Then this poor Irishman of four years' residence dares not apply to the parish, for he is well aware that he may be sent back to Ireland; and in his desperate circumstances it may happen that his children have recourse to begging as a means of supporting life. In their case, this surely is no serious offence—it is a mere infraction of a police regulation; yet for this law-made crime the child of the Irishman is liable to be taken before a magistrate, and by him committed to gaol for fourteen days, and then sent to a reformatory school for a period of five years. Remember, that the father and mother of this child are Catholics—that the child himself is a Catholic—that from his infancy he has been taught to believe the Catholic religion the true religion, and to respect and reverence its ministers. It is not because this poor child has been convicted of begging that he is, on that account, without any moral sense or religious belief—that he is what has been termed a "home heathen," or an "Arab of the street." Let me ask hon. Members from Scotland, what provision is made in their schools for the religious teaching of this Catholic child? I answer, none whatever, unless that teaching be Presbyterian. I distinctly state that the treatment of Irish Catholic children in these schools—with one solitary exception—is unmanly, bigoted, and unchristian. This is my distinct accusation; and this I shall proceed to prove. By a return of the 7th of February, I find there are eleven schools for vagrant children in Scotland, with 1,799 children confined in them. Besides these, there are eight other schools. But I shall confine my observations to Glasgow, in which there are three schools, containing 738 children, of whom at least one-half are Catholics. I ask you, then, what provision is there made for the religious teaching of those children? When Catholic children are committed to these schools, they are compelled to receive Presbyterian teaching—they are compelled to become or profess themselves Presbyterians—they are given over, without any protection whatever, to the undisputed authority of men whose open and public boast it has been, that they would never be satisfied until Popery was extirpated from the land. These wretched children are thus exposed to one or other of two evils. If those Presbyterians cannot succeed in their efforts to change the Catholic child into a Presbyterian, they may succeed in making him a hypocrite, and thus render all chance of reform impossible; but if they do succeed in their unworthy attempt, they succeed in bringing up the child in hatred of his father's creed—and what a fearful curse is thus in store for the poor Catholic home when the child is sent back to those whose faith he has been taught to deride and hate—what an abiding source of discord for the family of a poor man, which, above all others, requires unity of object and sympathy of feeling to enable it to battle against the difficulties of its hard position in life. I confidently appeal against such a system as this, which I hold to be the meanest tyranny and the most shameful intolerance, to hon. Gentlemen who are so loud in their indignation whenever they hear of the slightest violation of religious liberty in a foreign country. They are ready to rush over to Italy to intercede for the Madiai, and to interfere with the decisions of foreign tribunals, perhaps without caring to comprehend the entire merits of the case. There are no sacrifices of purse or eloquence which they will not make in favour of religious liberty abroad; and yet they are unaccountably insensible to religious persecution at home. Now, I tell those Gentlemen that, however much I may consider their zeal indiscreet or their conduct Quixotic, I respect their ostensible motives; for if there be an act of oppression committed against conscience, whether at home or abroad, or by whom committed, I hold it to be worthy of the indignation of every generous-minded man; but I implore of those hon. Members to spare some of their zeal for religious liberty in their own country. I shall now proceed to show what unfairness is practised in the name of humanity, and under the sanction of this reformatory system. I hold in my hand a letter which I received some short time since from a gentleman residing in Glasgow, on whose authority I must place the most implicit reliance. That letter is dated the 21st of February, 1856; and, amongst other cases, it states the following—

> "A few weeks ago, a girl named M'Laughlin came to me and told me that she had just come out of the Female House of Refuge, of which she had been an inmate for three years. She was not long in the house till it was discovered she was a Catholic. At that time she was about fourteen years of age. She was told that she must be a Catholic no longer. For a few days coaxing was used, in order to prevail upon her to give up her religion. This mode of procedure proving ineffectual, she was locked up in a dark room for three days and three nights, and fed only upon bread and water. At the end of three days her courage gave way, and she yielded."

A mild mode of conversion truly! My correspondent goes on to say—

> "It is true, the Female House of Refuge was not then a Reformatory School, as I believe it is now; but I have no reason to think that any change of system, in as far as Catholics are concerned, has taken place."

If the statement of the girl M'Laughlin be correct, it makes the matter worse; for if, when it was a purely voluntary institution, such a stretch of tyranny was exercised, what may not be expected now that despotic power is placed in the hands of its managers, through the operations of the law under which it is at present placed? The second case to which I shall refer is that of a boy—

> "Some time ago a boy named O'Donnell was taken up for selling lucifer-matches in the street. He was tried and sent to the Industrial School for five years. Shortly after he received sentence his mother went to see him, when he begged of her to take him home, because, he said, he was not allowed to make the sign of the Cross, nor to say the Hail Mary. The mother came to me in deep affliction. I drew out a petition to Sir George Grey, in the name of his father, for his liberation, offering the security required by the Act, that he should never again appear in the streets as a vagrant. The right hon. Secretary returned, for answer, that he declined interference in the matter."

I could give other cases, and quote from other letters, to the same effect, to prove that the other reformatory schools of Scotland, however benevolent the intentions of their founders, are at the present moment turned to the worst of purposes—namely, that of proselytism. Proselytism is one of the greatest curses of Ireland; yet it is in this unhappy spirit that the reformatory schools of Scotland, if not founded, are certainly conducted. It might be answered, that the Catholics of Scotland could establish reformatory schools of their own. But hon. Gentlemen who are acquainted with the real position of the Catholics of Scotland know that such a permission amounts to a practical mockery. They have not the means—they are too poor. As it is, their resources are taxed to the very uttermost in their efforts to build churches, found convents, and establish ordinary schools with the aid of the Privy Council grants. And to tell them that they can establish reformatory schools of their own, is something like the advice of a sleek, well-fed doctor who, visiting a poor starving patient, would say, "My dear sir, I recommend you something nourishing—a nice chicken, and a good glass of Madeira." I have the best authority for stating that they cannot establish such institutions at present, whatever they may be able to do at some distant time. Therefore, Catholic children must of necessity be sent to institutions founded and conducted by persons who constantly proclaim the deadliest hostility to the Catholic faith. There is only one institution of the kind in Scotland in which fair play is given to the Catholic child, and that is the United School in Edinburgh, which is conducted in the same benevolent and generous spirit in which it was first conceived. Let two matters be clearly understood—the one, that the Catholics of Scotland are not able to found those schools; the other, that of necessity Catholic children must be sent to those which exist, and which are conducted, not by Protestants, who are by far the most tolerant, but by Presbyterians, who are the most aggressive enemies of the faith and freedom of their Catholic brethren. It is not my intention to divide the House against this amending Bill; such a course would, for many reasons, be now objectionable. But I would appeal to the generosity of hon. Gentlemen opposite (the Scotch Members) to extend to Catholics in Scotland a toleration at least equal to that which the British Government, from motives of sound policy, is compelled to exhibit to the Pagan population of India. Every British officer who goes to India, whether in a military or civil capacity, is bound not to offer offence even to the grossest superstitions of the natives, nor in any way outrage their religious prejudices. I ask for the same toleration, not in India, but in the United Kingdom—not to a Pagan people, but to a Christian population. I then would propose certain alterations in the present Bill, so as to make the existing Act in some way satisfactory, and consistent with the principles of fair play. I would propose a clause to the effect that a child might be sent to any reformatory school in the United Kingdom; and also that Catholic priests and Catholic teachers should be admitted to all schools of which Catholic children are inmates, with a view to their religious instruction. But while claiming this right, I would of course consent to every fair restriction, in order to satisfy the managers of such schools that there should be no attempt made by any clergyman to tamper with the faith of a child of a different persuasion. For my own part, I would denounce all such attempts by whomsoever made; and all that I ask for is fair play for all. I would now draw the attention of the House to an opinion expressed by Mr. Recorder Hill, to whom the reformatory system is much indebted, and who will be admitted to be one of its most able and successful advocates. Mr. Hill was written to by Mr. Murray, of Dublin, an ardent supporter of the system, who submitted to Mr. Hill's consideration a draft of a Bill for Ireland. Now, in order to understand the full force of Mr. Hill's observations, it is necessary that I should give the very clause on which they were founded. It is as follows—

> "2. The reformatories shall be set apart for the exclusive reception of the professors of the Protestant or of the Roman Catholic religions respectively; and all offenders committed to a reformatory shall be considered as belonging to the same religious persuasion as that professed by their parents; and in all cases in which the religion of the parent is unknown, the young person committed shall be considered as belonging to that religious persuasion of which he professes himself a follower."

The House will perceive that this section purposes an entirely separate institution for Catholic children—an arrangement necessary in Ireland, but at present impracticable for Scotland. I can state, on authority, that the Bill of which this clause is a section, was drawn up and sanctioned by gentlemen of high position and influence in Ireland, the majority of whom were not Catholics. Here are the remarks of Mr. Recorder Hill upon the proposal of separate religious teaching—

> "I do not look upon the arrangement as a boon to the professors of either creed, but as a boon to the State. This State is expending money to reform young offenders—the religion of those offenders may be a potent engine for advancing the object. On the other hand, a religion which they have been taught to fear and hate, and the more contact with which will disunite them from those of their own communion, will retard the reformatory progress instead of aiding it, and will prove an evil instead of a blessing."

This opinion—that, too, of a Protestant gentleman—is surely no slight authority in support of the views which I have expressed, and of the reasonable and modest demand which I respectfully make. May I put the question to hon. Members from Scotland who may be adverse to that demand, how would they feel if the case were reversed?—

> "Mutato nomine, de te fabula narratur."

Suppose that the Presbyterians were in the minority—that they were a small, a poor, and unrepresented sect—suppose the Catholics were in the ascendant—that theirs was the dominant faith, and that they (the Catholics) founded these reformatory schools, and compelled wretched Presbyterian children to profess a faith which they had been taught to believe one of error, perhaps to abhor, and that no Presbyterian minister was suffered to darken the threshold of one of those schools by his shadow—what, in such a case, would be the result? Why this, that the injured and outraged Presbyterians would appeal to the justice and right feeling of the empire at large, and that from every pulpit and platform in England would ring denunciations of such monstrous and intolerable tyranny, such mean and unmanly persecution. And, let me ask, is the tyranny less intolerable, is the persecution less mean and unmanly, because it is practised by Presbyterians, and not by Catholics? I demand an end to this violation of religious liberty from gentlemen who have frequently, as I have myself, voted for the admission of Jews into this House, and for giving them a right to take part in the deliberations and acts of this Christian assembly. I ask them, if they desire to carry out their own professions, to give free access to the teacher who is best qualified to have an influence on the habits, the mind, the conscience, the heart of the children. Let the Protestant child be instructed by the Protestant clergyman, the Presbyterian by the Presbyterian, and the Catholic by the Catholic. Mere secular education will not accomplish the end you say you have in view—the reformation of juvenile delinquents. The chaplain can do more than the schoolmaster in such cases; for, while the latter may awaken the intellect, the former can best reach the heart, and rouse those earlier and better feelings which misery and crime had rendered dormant in the breast of the neglected child. In the Act which it is now desired to amend there is a proviso, that "due regard shall be had to the faith of the child," which means that on the application of the parent or guardian of a child he shall be sent to such school as may be approved of by the authorities. Practically, this is worthless, because there are no schools in which this "due regard" is had to the faith of the Catholic child. But it is the admission of a principle, and I am the more justified in insisting on the application of a principle which Parliament has itself proclaimed. I ask that a Catholic child may be sent to any school in the United Kingdom—certainly, in Great Britain; and that the Catholic priest shall have free access to Catholic children for the purpose of conferring on them the best means of effecting their permanent reformation—religious instruction. These are the modest demands which I respectfully urge on the promoters of the Bill, and which, if they refuse to accede to them, I confidently urge on the Government, and on that sense of fairness and justice which I believe animates this House; and when the Bill goes into Committee, I shall be prepared to reduce them to form by proposing Amendments to that effect.

MR. BOWYER thought the speech of the hon. Member for Dungarvan deserving of the attention of the House. He concurred with him in thinking that reforming juvenile criminals was only to be done by religious teaching, which could only be carried into effect by placing the children of different religious opinion in separate establishments, arranged and managed according to their religion, and where their religion was made the means of their reform. The various sects of Protestants might be taught together; but the Roman Catholic religion was so different in its doctrines and practices, that it was impossible the children could be managed on a system calculated to produce any effect unless they were by themselves, uncontrolled by any other religious principle or practice. He conceived that the real principle for which the hon. Member for Dungarvan contended was, that there should be power to send Catholic children to a Catholic reformatory; and if there should not be one in the place to which they belonged, that they might be sent to another district. He (Mr. Bowyer) believed that all attempts of the Legislature to establish those reformatories would be totally fruitless if each denomination were not allowed to reform their own children according to the religion which the children had been brought up in.

MR. DRUMMOND: I am sure, Sir, the House has heard with satisfaction the remarks which have fallen from the hon. Member for Dungarvan (Mr. Maguire), and I hope it will re-echo all those fervent aspirations for religious toleration to which he has given utterance. I only regret that those aspirations did not find expression in the Legislative Assemblies of Naples, of Austria, or of France, rather than in the Parliament of this country. I was not a little surprised to hear the hon. Member speak with so much zeal against proselytism, and assert that it was the greatest curse that could befall a State, because there is not a single gaol, or school, or other public institution, with which I am acquainted, into which it is possible for a Roman Catholic priest to poke his nose, that he does not thrust it for the mere pleasure, as it would seem, of making mischief. For my own part, however, I certainly agree with the hon. Member for Dungarvan that there is a great deal more harm than good done, upon all sides, by a recourse to the system of proselytism, and I further think that no advantage whatsoever would result to a Roman Catholic child upon being placed under the guidance of a Presbyterian clergyman, and thus, as has been observed, taught to hate the religion of his father. But the difficulty does not stop here, and while speaking upon this point I would call the attention of hon. Members to a letter which was written by Bishop Gillies, of Edinburgh—who must be considered as an authority upon the subject—to the right hon. and learned Lord Advocate, with reference to the Education Bill which he introduced last year. Bishop Gillies observes in that letter, "I shall not join your Bill; nay, more, I shall oppose it in every direction, and though you should leave out the religious question altogether, I shall oppose it just the same." You may say, "Surely we may learn science and geography, and the various other branches of secular information, together, at all events. There cannot be much Popery or Presbyterianism mixed up with geography." "No," writes the Bishop, "we cannot learn geography together, for I find that into your books upon the subject you introduce little pictures, some parts of which are drawn in light colours and some in dark, and I find that you invariably use the dark colours to represent Popish and the light Protestant countries." Now, it is stated, not alone by Protestant, but by Roman Catholic writers, that in proportion as the priests have domination over schools, in the same proportion does ignorance prevail among the people. This statement bears upon clergymen of all religions, but it tells more strongly against those of the Roman Catholic Church, because they have been so long in possession of the privilege of domination in their schools, that it is almost impossible to oust them. But the Bishop goes on to say—and I think the statement must puzzle those who have not had ocular demonstration of its justice—"Not only would I not suffer Protestant and Roman Catholic children to learn geography together, but I would not allow them to play together, because they would be likely to learn bad habits from one another, inasmuch as the principles in which they are instructed are entirely different." Now, I recollect having passed some time with the family of a very intimate Roman Catholic friend of mine. There were in the family two young boys, and having missed them one day at dinner I inquired where they were, and expressed a hope that they were not ill? The answer was, "No, but they have been behaving badly." "How?" I inquired. "Why, one of them went into the drawing-room yesterday and took a lump of sugar, and the other did not tell upon him." "A fine little fellow," said I. "Well, he is the boy who has been punished," was the reply; "the other who took the sugar was not punished at all!" [*Laughter.*] It is no matter for laughter, believe me, that every soul in a man's family, his wife, children, and servants, should be trained up to spy upon one another. It is no joking matter in France or in Italy. It is the very system that drives men to have recourse to "*Rougeism*," and all those other desperate means which men adopt in order to free themselves from a tyranny so intolerable. My opinion with respect to reformatory schools is, that you have only one plan to adopt in their regard, and that is, to establish, as was formerly the case, large hulks in all the great seaport towns of the kingdom, in which you will be best enabled to wean young criminals from the bad habits which they have acquired, and from which you can supply your army and navy with very valuable recruits. If you do that, you may in all probability save a great number of boys; but in the system of religious instruction of which some hon. Members are the advocates, I have no faith whatsoever.

Sir GEORGE GREY said, he trusted that hon. Members would not digress into a discussion upon the question of religious education, which was certainly not raised in the Bill before the House. With regard to the objection of the hon. Member for Dungarvan (Mr. Maguire), it was clear from the spirit of the clauses of the Bill which it was now proposed to amend, that there was no intention to take advantage of those institutions for the purpose of proselytising. There was a power given to the magistrates to send any child to a reformatory conducted by managers of its own religious faith, where any such existed, and to the Secretary of State to remove the child from one institution to another, for cause shown. At the same time it should be remembered that there were voluntary institutions, and there was no objection to their being founded exclusively for Roman Catholics, provided the general requirements of the Act in other respects were complied with by the managers. In fact, there were institutions of that nature, and he had hoped that one effect of the opportunity the Act gave for voluntary effort in that direction would have been to keep those religious questions out of the House of Commons, by providing the means of placing children in institutions in which the religion they were brought up in was taught. He had no doubt that wherever it was necessary, and the means existed of doing so, the children who were fit objects for those institutions would be sent to such as were conducted in accordance with the tenets of the religion of their parents, or, on representation being made, that they would be removed to them; therefore, he did not consider that any alteration of the Bill was necessary, and he trusted the hon. Member would not insist upon the introduction of his Amendments.

MR. ADDERLEY said, he thought it was not desirable to protract a discussion upon a point which was not immediately connected with the object of the Bill—the enforcement of payment by parents for the maintenance of their children. The religious question had not previously been raised, and it was honourable to the Roman Catholics that they had been the first to start it. He thought that the requests of the hon. Member for Dungarvan were fair and equitable, and that he had sketched a plan which might be adopted, and for which provision might be made in the Bill. At present, a child could not be sent to a school out of the kingdom in which it was convicted. With the limit thus imposed upon the power of removal, the hon. Member by his first proposition sought to do away. Looking at the reformatories already established by Roman Catholics in England, he (Mr. Adderley) thought that they would soon have a sufficient number of schools to make even that provision effectually carry out the objects which the hon. Gentleman sought to attain. Supposing that were not the case, the hon. Member had further proposed that Roman Catholic priests—and he (Mr. Adderley) presumed ministers of other denominations—[Mr. MAGUIRE made a gesture of assent]—should be allowed to visit the reformatories and to give religious instruction to the children of their respective denominations. That practice existed in the largest pauper school in England—that at Manchester—and he was informed that no inconvenience was experienced from it. The difficulty in the present case was, that these being voluntary institutions their managers might object to such a provision. If the hon. Gentleman would make the admission subject to the consent of the managers, he thought that the proposition would be a reasonable one.

MR. BLACK said, he was of opinion that liberty of conscience should be respected in education as in all things else, and he would point out in illustration of his view a school in Edinburgh with which he had been long connected, and which was conducted on the principle of giving religious instruction to the Protestant and Catholic pupils at different hours, while secular education was imparted simultaneously to the whole school. The system had worked admirably, the result being equally advantageous to the children and satisfactory to their parents. The eloquence of Catholic Gentlemen from Ireland on the subject of religious freedom was undoubtedly worthy of all admiration; but it was to be regretted that they did not endeavour to inspire their co-religionists in other countries with sentiments equally liberal. Their neglect to do so, however, was no reason why, in this enlightened country, Protestants should act otherwise towards Catholics than in a spirit of perfect toleration.

MR. KENNEDY said, he wished to call attention to No. 10 of the Resolutions proposed by the noble Lord the Member for London (Lord J. Russell) declaring that children should not be compelled to attend any form of worship or receive any description of religious instruction to which their parents or guardians objected. He contended that that sound and salutary regulation, so essential to the liberal management of free schools, was yet more urgently required in reformatory institutions, where the system of administration was necessarily stringent and the discipline severe.

THE LORD ADVOCATE said, he hoped that, as there was no objection to the general principle of the Bill, the House would, without proceeding further with a profitless discussion on an abstract question, at once agree to the second reading. The Bill was simply an extension of a very beneficial measure introduced on the same subject two years ago, and, like it, was founded on the principle that, without giving pre-eminence to any particular class or sect, Government should take advantage of voluntary institutions, and enable them to provide, as far as their means would permit, for the education of vagrant children not yet committed for violation of the law. Admitting the full force of the argument that the powers conferred by such measures ought not to be abused for purposes of proselytism, it was, on the other hand, a little hard that, when Scotch Members attempted to deal with a question affecting the social interests of their own country, objections should be wantonly thrown in the way of their doing so in what appeared to them the most advantageous manner. The hon. Member for Dungarvan (Mr. Maguire) complained that the Catholics of Scotland were too poor to found reformatory schools of their own, but surely they might obtain assistance for that purpose from other professors of the same faith who sympathised with the opinions of the hon. Gentleman. The matter now under consideration was not the principle on which Government schools or reformatories should be established. That was a question for which, surrounded as it was with adventitious difficulties, Parliament did not as yet seem ripe. What was now engaging their attention was how to deal with voluntary institutions. The hon. Member for Dungarvan had made two proposals—that Catholic priests should have free admittance into voluntary reformatories, and that there should be a power to remove Catholic children from Protestant schools to other establishments in cases where the parents might desire such removal. With regard to the first of those proposals, he (the Lord Advocate) could not consent to its being enforced by Act of Parliament, for, whatever the motive or intention of such a measure might be, every one who knew anything of Scotland must be aware that the Protestants and Presbyterians who had originated the voluntary institutions in that country would not hear of it. The United Industrial Schools of Edinburgh were founded on a different system, and to those schools Catholic children might freely be sent; but, whatever might be done in Government institutions, it was not to be imagined that an obligation to admit ministers of all descriptions to teach what religions they pleased could be imposed by Act of Parliament on persons who, by their own spontaneous efforts, had established ragged schools, reformatories, and similar institutions. The recommendation that other reformatories in this country should be made available for the reception of Catholic children, whose parents might desire their removal from Scotland, was a more feasible suggestion, and deserved attentive consideration. With respect to the alleged case of oppression to which the hon. Member had alluded as having occurred some years ago in Glasgow, it was to be regretted that, instead of making it the subject of Parliamentary debate at that distance of time, he had not at once brought it under the consideration of the then Lord Advocate.

MR. MAGUIRE: A statement of the case was sent to the Home Secretary at the time.

THE LORD ADVOCATE said, he could only say that for his part he knew nothing of the case.

MR. LIDDELL said, he viewed reformatory institutions with peculiar favour, as indicating a most laudable desire in all denominations of Christians to make common cause in an honest and earnest attempt to check crime at its source. While cordially concurring in much that had fallen from the hon. Member for Dungarvan, he must be allowed to express a doubt whether the privileges for which that hon. Gentleman had so strenuously contended would, in all instances, be highly prized by those in whose interest they were solicited. The regulations of a reformatory school in the north of England, with which he was connected, placed religious instruction under the general supervision of a minister of the Church of England, but permitted the visits of clergymen of all persuasions to teach the children of their respective communions. Now, that seemed in the abstract a very salutary rule, yet it was only on very rare and exceptional occasions that a Roman Catholic priest claimed the benefit of it—a fact which seemed fairly open to the inference that Roman Catholic parents were wisely content to have their children rescued from infamy and degradation, and did not care to insist that they should be brought up in their own religion. It was to be hoped that the Legislature, taking a lesson from the zeal and energy of the Scottish Members, would soon sanction the establishment of Union Industrial Schools, where a great amount of juvenile vice might be arrested before it had developed into actual crime.

MR. KINNAIRD said, that the words in the existing Act for the protection of Roman Catholics had been adopted with the full concurrence of the late Member for Meath (Mr. Lucas), and other Roman Catholic Members. He wished to refer to the provision made by the English Protestants for the Madiai, and he called upon the Roman Catholics who were in a position to do so to come forward and by voluntary effort to assist their poorer brethren in Scotland in providing the means for establishing Roman Catholic reformatory schools.

SIR STAFFORD NORTHCOTE said, he was surprised that the right hon. and learned Lord Advocate should have denied the right of Members not connected with Scotland to take part in the discussion of the present Bill.

THE LORD ADVOCATE said, he must explain that he had never done so. All he meant to say was, that it was to be regretted that Scotch Members engaged in a voluntary attempt to remedy a social evil affecting their own country, should have to contend with difficulties inconsiderately and somewhat wantonly raised by hon. Members not connected with Scotland.

SIR STAFFORD NORTHCOTE said, he cheerfully accepted the right hon. and learned Lord's explanation, and at the same time would express his own conviction that the Bill, though only designed to apply to Scotland, would affect all the voluntary reformatories in the United Kingdom. He should have been sorry if the questions raised by the hon. Member for Dungarvan had been mooted in a hostile spirit and with the intention of defeating the Bill; but, raised as they had been with good feeling and good temper, no evil was to be apprehended from the discussion they had occasioned. It was a matter in which Protestants and Roman Catholics had an equal interest, that these voluntary institutions should be conducted in such a manner as to preclude the danger of their being abused for purposes of proselytism. That was a consideration of the highest importance, for if Government went on affording every year increased support to those institutions, without at the same time taking care that they should be conducted with that strict regard to the principles of religious liberty which the spirit of the age demanded, the consequence would be that public opinion would react and the voluntary system would break down. There was at present only one institution in Scotland to which Roman Catholics could conscientiously send their children, and even that establishment was liable to the objection that the system of religious instruction adopted there was a mixed one. It might be said that the Roman Catholics were at liberty to found reformatory institutions of their own; but to this the hon. Member for Dungarvan had frankly and fairly replied that in Scotland they were so poor that they could not afford to do so. That being the case, it was clearly desirable that the voluntary reformatories should be conducted in such a spirit as to be available for their purposes and those of all denominations of Christians. He was not to be understood as saying that he would adopt the proposals of the hon. Member for Dungarvan, but he respected the motive and intention which had dictated the remarks of the hon. Gentleman, and believed with him that it would be possible so to arrange the details of the Bill in Committee as to make the measure more acceptable to men of all religious denominations.

MR. GURNEY said, he thought that if the power were to be granted of removing children from one establishment to another, it should be coupled with a condition that the removal should take place within a specified time, and before the child had as yet been completely habituated to the system of the institution to which he had originally been sent.

MR. ALEXANDER HASTIE said, he was of opinion that the Roman Catholics of Glasgow were sufficiently affluent and numerous to found a reformatory institution of their own; and if they would make the attempt they should not be without assistance from Protestants.

MR. F. SCOTT said, he had waited with some anxiety to hear how the two propositions of the hon. Member for Dungarvan could be applied to the Bill, the Bill being voluntary in its principle. The first proposition, that of compelling the schools to receive ministers of any religious persuasion, was clearly inapplicable to the voluntary principle; while, as regarded the second, the removal of children to other institutions, he (Mr. Scott) wished to know at whose expense it was to be done?

Mr. DUNLOP said, he begged to thank the House for the cordial reception they had given to the Bill, and at the same time to express his satisfaction that no objection had been made to its principle. He desired to take advantage of existing establishments which were supported by voluntary contributions, and the Bill provided that, where there were two reformatory institutions within the jurisdiction of the magistrates, parents might choose to which of them their children should be sent. If there should be only one institution within the jurisdiction of the magistrates, they were directed by the Bill to pay due regard to the wishes of the parents on the subject of religion, and were empowered to send children to any school in Scotland. Parents or guardians were also entitled, on finding securities in small amounts, to remove children from reformatories. He thought such an amount of freedom was allowed as ought to be satisfactory to Roman Catholics; and although the reformatory institution at Edinburgh was supported in a great measure by Protestants, he had no doubt that an institution of the same kind might be established at Glasgow or elsewhere in Scotland, which would afford ample accommodation for Roman Catholic children. The object of the Bill was one which all had in common—namely, to rescue those poor creatures from ruin. He (Mr. Dunlop), zealous a Protestant as he was, would rather see those poor children at a Catholic school than in the streets.

Bill read 2°.

MUNICIPAL REFORM (SCOTLAND) BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. W. EWART, in moving the second reading of this Bill, said, that he would very briefly explain its nature. In some of the smaller burghs of Scotland the present system of self-government was most unsatisfactory, no confidence whatever being placed by the inhabitants in the municipalities, which were entirely self-elected. Those municipalities often chose as town councillors persons who resided at great distances, and the consequence was, that the funds of the burghs were frequently misapplied. He proposed to place the Royal burghs in this position upon an equal footing with the Royal burghs which had been already dealt with by the Scotch Municipal Reform Act. He was aware it might be objected that the burghs to which this Bill would apply contained very small constituencies, but those constituencies were certainly as large as the constituencies of some of the burghs which were affected by the Reform Act. Those burghs had eleven councillors now, and he proposed to reduce that number to six. The franchise might be lowered, and the number of the voters thereby increased; therefore the smallness of the burghs could be no ground against the Bill. The Bill, moreover, would remove the discord and jealousy which now prevailed in those burghs, inasmuch as the constituency would have the election of their own municipal representatives. He had brought forward the measure from the best motives, with a view of removing an undoubted practical grievance and abuse.

The LORD ADVOCATE said, that although he had always been desirous of extending the principle of local self-government, he felt great difficulty in assenting to the second reading of this Bill. The burghs to which it referred had been excluded from the operation of the Scotch Municipal Reform Act on the ground that they had substantially no constituencies, and it was an absurdity to attempt to deal with popular elections in places where no constituency existed. In New Galloway, for instance, there were twelve electors and nine councillors, and the revenue of the corporation amounted to £6 11*s.* a year. In Lochmaben the constituencies numbered thirty-five; there were nine councillors, and the revenue of the corporation was £21 1*s.* 1*d.* In Culross there were twenty electors and nine councillors, the annual revenue being £50; and the constituency of Bervie consisted of twenty-eight persons, of which there were fifteen councillors. He thought the House should consider whether it was desirable to legislate as his hon. Friend proposed with reference to such burghs, when there were many other towns in Scotland, with a much larger population, which did not possess municipal corporations. He must say he thought the best course would be to sweep away altogether the corporations to which the Bill referred, and to place the funds of the burghs under some more efficient control.

Sir JAMES ANDERSON said, some of the Royal burghs were included in the Municipal Act and others excluded. That circumstance, therefore, created an invidious distinction. He considered that those burghs were entitled to representation, and he should therefore support the Bill.

Mr. DUNLOP said, it was not a question of corporations, for those burghs had corporations by Royal charter; but whether or not those corporations should continue to be self-elected, as they had been for the last twenty-three years, to the exclusion of the great body of the inhabitants. Some of those burghs were very respectable towns; as much so as many English burghs which sent Members of Parliament; and therefore, if the Government did not introduce a measure for their reform, they certainly ought not to oppose it.

Mr. CUMMING BRUCE said, he did not think the measure was called for, as he had never heard of any grievance. In some of the small burghs the corporation would exhaust the whole of the respectable portion of the population. He should therefore vote against the second reading of the Bill.

Mr. BAXTER said, that at present the respectable portion of the community in many of the Royal burghs were altogether excluded from taking any part in the management of municipal affairs, and, with the view of remedying that evil, he hoped the House would sanction the Bill of his hon. Friend.

Mr. ELLIOT said, he would support the Bill, unless the right hon. and learned Lord Advocate would give the House an assurance that he would deal with the subject in a general measure.

The LORD ADVOCATE said, he thought he might give a pledge that, if the Bill were withdrawn, he would be enabled in the course of the Session to submit to the House a measure respecting the local government of Royal burghs in Scotland.

Mr. W. EWART said that, under those circumstances, he would consent to withdraw the Bill.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

BANKRUPTCY (SCOTLAND) BILL.

Order for Second Reading read.

The LORD ADVOCATE said, he would now beg to move the second reading of this Bill, the object of which was to consolidate the bankruptcy law of Scotland. The Bill contained 176 clauses, and comprehended nearly all the statutes passed on the subject during the present century. Two years ago there had been considerable agitation in this country, and partially in Scotland, for an assimilation of the bankrupt laws of the two countries, and a good deal of pressure was used for the purpose of importing into Scotland the general principle of the English law of bankruptcy. He was at that time opposed to such a proceeding, and was anxious that further time should be afforded for considering the subject. That course had been taken, and the result was that the general community of Scotland—the town councils, the chambers of commerce, the societies for the protection of trade, and the great body of professional and mercantile men—had arrived at the conclusion that the Scotch law of bankruptcy was much better, as it was also much cheaper, than the bankruptcy law of England. With the view of preventing any rash interference with a question of so much importance, a committee of the faculty of Advocates was appointed two years ago to consider the changes that might be necessary in the law of bankruptcy, and they made a most elaborate and learned Report, upon which the present Bill was founded. He might mention one or two of the more important changes which would be made by this measure in the existing law. Up to the present time the operation of the bankruptcy law in Scotland with regard to sequestration had been confided to traders, but the Bill would extend it to the whole community. He found that under the Act of 1772, which originated the system of bankruptcy law in Scotland, the process of sequestration was applicable to all persons, but by the Act of 1783 it was limited to traders, and as he thought, upon very doubtful grounds. It was not proposed to introduce any system of official assignment, for he thought that, if creditors chose to take the management of the affairs of their debtors into their own hands, it was unnecessary to interfere with them. By one of the latest Acts passed on the subject provision was made for the appointment of interim factors to take charge of the estates of bankrupts, but as the system had not worked satisfactorily it was proposed by the Bill that Sheriffs as well as the Lord Ordinary should have power, upon special application being made to them, to provide for the protection of bankrupts' estates. The Bill further provided for the appointment of an accountant in bankruptcy, whose duty it would be to see that estates were duly and properly wound up, and to prevent maladministration or fraud. The accountant would be required to superintend sequestrations, and he (the Lord Advocate) believed that the proposed arrangement would tend to render the management of sequestrations much more satisfactory than it had hitherto been. The Bill, he might observe, consolidated the provisions of the Act of 1814, and of all subsequent Acts relating to bankruptcy in Scotland.

Mr. ALEXANDER HASTIE said, he did not object to the Bill, but he hoped that in Committee the right hon. and learned Lord Advocate would propose clauses with the view of facilitating private arrangements under the sanction of the Court or of the Sheriffs. He thought, also, that some more stringent measures should be adopted with reference to the class of small pawnbrokers.

Bill read 2°.

VACCINATION BILL.

Order for Second Reading read.

Mr. BARROW said, he would suggest that, as the Bill was delivered to hon. Members only yesterday and involved principles of great importance, upon which the country should have an opportunity of expressing its opinion, the Motion for the second reading should be postponed till after Easter.

Mr. MICHELL said, he considered the Bill as one for legalising murder, and hoped it would be withdrawn altogether. He was prepared to prove that since the introduction of vaccination small-pox had increased rather than diminished. The reason was, that formerly people avoided the disease, whereas now, thinking themselves secure, they unhesitatingly entered places where they could hardly fail to be infected. At one time all weak children were thrown into the Ganges, and in other parts of the world the maimed were suffocated. Vaccination Bills served the same purpose in another way. Their object was to legalise the murder of a certain number of persons in order to save the lives of the rest of the community.

The Lord Advocate

Mr. COWPER said that, as hon. Members had not had an opportunity of considering the Bill, he would not object to the proposal to postpone it till after the recess. When the time came for the second reading, he thought he should be able satisfactorily to answer the statements of the last speaker.

Second reading *deferred* till *Monday*, 31st March.

AGGRAVATED ASSAULTS BILL.

Mr. DILLWYN, on rising to move for leave to introduce a Bill to amend the Act of 1853, 16 & 17 *Vict.* c. 30, for the better prevention and punishment of aggravated assaults upon women and children, said, that he would state very shortly the reasons which had induced him to take this step, and to think that an alteration of the law was necessary. It would be in the recollection of the House that in 1853, when the attention of the country at large had been directed to the frequency of barbarous and savage assaults on women and children, and when it was universally felt that some legislative enactment ought to be passed for the prevention of such brutal crimes, a Bill was introduced, having for its object the substitution of six months' imprisonment with hard labour for the discretionary power exercised by magistrates of imposing a fine of £5, or, in default, sentencing to two months' imprisonment. An Amendment was proposed by Mr. Phinn, then Member for Bath, to the effect that in assaults upon women and children conviction should be followed by the infliction of corporal punishment, that learned Gentleman and others believing that corporal punishment alone would be sufficient to deter parties from the commission of such loathsome and cowardly crimes. Though some of the objections to the Amendment had reference not so much to the principle as to the expediency of the proposal, it was rejected by a large majority, and the Bill was passed in its original shape. The Act had consequently been in operation for upwards of two years, and a return, for which he had moved some time ago, showed the number of convictions and sentences under it during 1854 and 1855 in the metropolitan districts. The return was confined to those districts, but he had been assured by magistrates and others that assaults upon women and children were common over the whole country, and that they often had occasion to lament the want of power to inflict corporal punishment upon persons convicted of such offences. It appeared from the return that the Act of 1853 had not worked satisfactorily in the metropolitan districts, for, during the two years he had mentioned, the total number of convictions and sentences was 877, or more than one per day—a fact which he thought ought to convince those hon. Members who in 1853 opposed the Amendment of Mr. Phinn that, having tried all minor kinds of punishment and found them useless, there was no alternative left but to see what flogging would do. He regretted that, in the absence of returns relating to periods before the passing of the Bill, it was impossible to ascertain whether the alteration of the law had affected the number of cases; but, as the House might wish to know the result of a comparison between the two years embraced in the return, he might state that in 1854 the number of convictions and sentences in the principal metropolitan districts was 353, while in 1855 it was 320, showing but a small decrease in the amount of crime, and that decrease, perhaps, attributable rather to accidental circumstances than to the operation of the Act. In no fewer than 184 cases the offenders were sentenced to the full term of imprisonment allowed by law—six months; which proved that the crime which the Act was intended to repress still existed in its most aggravated form, and that the time had assuredly arrived for the application of a sharper remedy. He believed that the kind of punishment now inflicted had a direct tendency, not, indeed, to diminish the crime, but to prevent the criminals being brought to justice, because when a wife knew—for he was sorry to say that the majority of these assaults were committed by husbands upon their wives—that if she complained to a magistrate her husband would be sent to prison for six months, and she herself reduced to the necessity of choosing between starvation—because she had no other dependence than her husband's wages—and the workhouse, the probability was, that she would rather suffer in secret from the violence of her tormentor than take a step leading to such fearful consequences. What he proposed, therefore, was, to repeal the Act of 1853, re-enacting all its provisions except the second clause, and substituting for that clause one to the effect that, every person convicted of an assault upon a woman or a child should be sentenced to not less than fourteen days', or more than two months' imprisonment, and during his confinement should be once privately whipped. He would not have the corporal punishment administered within two days after sentence, because that might wear the appearance of a vindictive proceeding; nor should it be administered within seven days before the release of the offender, because it would be bad policy to allow him to leave prison with a smarting back; whereas if the whip were applied somewhere about the middle of his term of imprisonment he would have plenty of time to reflect upon the consequences of his brutality, and might probably be induced to restrain his passions in future. He believed that the class of persons who committed such offences were only to be deterred from their commission by fear. Several objections might be urged against his proposal to inflict corporal punishment. It might be said that it would prevent a reconciliation between husband and wife. He did not think there was much force in that argument, for he believed that imprisonment was quite as likely as corporal chastisement to fill a man with vindictive and revengeful feelings. But it might be argued that what he proposed would have the effect of brutalising and degrading persons convicted of assaults upon women and children. He did not attach much weight to that objection, for he could not believe that a man who raised his hand against a defenceless woman or child, who knocked his wife down and stamped upon her stomach, when perhaps she was in an advanced state of pregnancy, was capable of being degraded to a lower level—he was a brute in every sense of the word, and nothing would have an effect upon him, he firmly believed, but the fear of bodily pain. It might likewise be said that corporal punishment was not in accordance with the spirit of the age. There was a good deal in that argument; but public opinion had undergone a great change during the last few years, and there was now a very general belief that for offences against the person severer forms of punishment were required. What else were we to do? We had tried imprisonment for short periods and imprisonment for long periods; both had failed,—the crime still existed to a frightful extent, and there seemed to him to be no other alternative left than to resort to corporal punishment. It would be impossible, indeed, to exaggerate the evil. The return for which he had moved did not enter into the details of individual cases; but, on looking over a file of the *Times*, he had been shocked to read the particulars of some of the cases which occurred in the second year of the Act. [The hon. Member then read a long list of cases of assaults]. It would be seen that some of those cases were little short of murder, in which, indeed, assaults upon women and children frequently ended. The fact that repetitions of the offence were not uncommon showed that the present Act had not realised the expectations of its authors; and, therefore, he begged to move for leave to bring in a Bill to repeal the Act 16 & 17 *Vict.* c. 30, and to make better provision for the better prevention and punishment of aggravated assaults upon women and children, and for preventing delay and expense in the administration of certain parts of the criminal law.

Mr. MIALL seconded the Motion.

Mr. BARROW said, he would not oppose the introduction of the Bill, but he hoped that before the second reading they would be supplied with more and better information than they now possessed relative to the operation of the present Act. It would appear from the statement of the hon. Member himself that the infliction of a more severe punishment had rather increased than diminished the amount of crime. He was not surprised at that, because he did not believe that a longer imprisonment than two months was of the slightest use in deterring offenders, and he trusted that a better system of punishment would soon be introduced. To subject a man convicted of an assault, whether that assault consisted of a common blow or of acts of extreme violence, to the same brutalising punishment, would be more likely to induce him to repeat the offence than to repent of his conduct.

Mr. MASSEY said, he did not intend to object to the introduction of the Bill, but he trusted the House would pause before it consented to restore a punishment which had not been inflicted in England for a long course of years. The whipping of adults as a secondary punishment was contrary to the whole spirit of our criminal legislation. Nobody could sympathise with the brutes in human form who were guilty of assaults upon women and children; but do not let the House be led away by its feelings to introduce into our criminal code a punishment which he believed to be opposed to every sound principle of criminal jurisprudence, and which he would be sorry to see again upon our statute-book. The only case in which the infliction of corporal punishment was now authorised by law was that of an assault committed upon Her Majesty. No ground had been shown for extending it to other offences. A severe punishment was already attached to assaults upon women and children, and he thought the House was bound to wait until the present law had been fairly tested before it resorted to the infliction of bodily torture. He admitted that it had been necessary to punish a great number of persons under the existing Act, but he hoped that the crime had been on the whole diminished, and that we might reasonably look for a still further decrease in future years. Under those circumstances, although he would not object to the introduction of the Bill, he might probably consider it his duty to oppose the second reading.

Mr. W. WILLIAMS said, that the cases of wife-beating which appeared almost daily in the newspapers were a disgrace to England, and to humanity itself. All kinds of imprisonment had been tried and failed; the crime still continued; and his conviction was that nothing would affect a brute capable of maltreating a woman as much as subjecting him to the same bodily pain which he caused to others. The passing of a Bill authorising the infliction of corporal punishment had completely put an end to offences against Her Majesty, and it had been stated over and over again in that House that discipline could not be maintained in the army or navy without the power of flogging. He hoped the Government would not oppose the present Bill.

Leave given.

Bill *ordered* to be brought in by Mr. Dillwyn and Viscount Emlyn.

Bill read 1°.

The House adjourned at a quarter before Four o'clock.

HOUSE OF LORDS,

Thursday, March 13, 1856.

Minutes.] Public Bills.— 1^{a} Marriage Law Amendment.

3^{a} Mutiny; Marine Mutiny; Consolidated Fund (£26,000,000); Drainage Advances Acts Amendment.

CHURCH RATES.

The Bishop of LLANDAFF, in *presenting* a Petition against the abolition of church rates, without the substitution of a sufficient equivalent, took the opportunity to correct a misunderstanding which prevailed with reference to a Bill on the subject of church rates laid on the table of the House last year by the most rev. Prelate (the Archbishop of Canterbury). It had been generally understood that that measure had received the sanction of the whole of the Episcopal Bench, and a statement had been made that those Bishops to whom it had been submitted had not objected to it. He, however, had the misfortune not to take the same view with regard to that measure as the most rev. Prelate. He was sure the most rev. Prelate would excuse him for recalling to his recollection the fact. He (the Bishop of Llandaff) begged to disclaim any participation in the Bill.

THE FALL OF KARS—CORRESPONDENCE —QUESTION.

THE EARL OF ELLENBOROUGH asked the Under Secretary for Foreign Affairs, whether any inquiry had been made with regard to the papers to which he had referred the other evening as being necessary to complete the correspondence now before the House respecting the fall of Kars?

LORD WODEHOUSE said, there was no letter from Lord Panmure stating that General Williams ought to have the direction of the supplies of the Turkish army, the word "Panmure" in the Blue-book being very probably a mistake for "Clarendon," as there was a letter from Lord Clarendon to Lord Stratford, printed at page 145 of the papers, expressly recommending that General Williams should have the direction of the supplies. General Williams guaranteed the payment which had been referred to by the noble Earl the other night on his own responsibility, no authority having been given to him to guarantee funds or supplies. That payment was made by Tahir Pasha, as appeared from an inclosure in the same dispatch. The returns as to the time and manner of the payment of the Turkish Loan had been laid before the House of Commons, and could, of course, be laid before the House of Lords. The correspondence with regard to Schamyl, alluded to by the noble Earl, had no reference to Kars. Lord Stratford had written privately to General Williams to endeavour to obtain the release of the Russian ladies taken prisoners by Schamyl, and General Williams then wrote to Schamyl, who replied that before he received the General's letter he had already released the ladies. There had, however, been a correspondence with a view generally to obtain the co-operation of the Circassians in the war, but it could not be produced, as it might compromise individuals. It was, for obvious reasons, impossible for Her Majesty's Government to produce returns of the armies of our allies; and, while the war still continued, it would be not only inconvenient to give precise returns of the number of British troops at a particular period, but would also be contrary, as he was informed, to the established practice; but this was a question rather for the War Department than for the Foreign Office.

THE EARL OF ELLENBOROUGH expressed his surprise at finding that the measures for provisioning and relieving Kars had been conducted by the Foreign Department, as, without questioning the ability which had been displayed by that department, it appeared much more reasonable and natural that those measures should have been left to the Minister for War. Since he had last addressed their Lordships he had discovered that the letter to which General Williams had referred was not, as he had supposed, a letter from Lord Panmure, but a letter from Colonel Mundy, stating the opinion of Lord Panmure. He had also found that the letter from General Williams to Lord Clarendon, with regard to a project for obtaining means of transport for the army, was a letter in the nature of a report, and was referred by Lord Clarendon to the War Department. Colonel Mundy's answer to that letter was, that Lord Panmure was of opinion that it would be impossible for him to do anything in the matter unless he were allowed to exercise more discretion in organising the army of Kars. He gathered from the noble Lord's statement that no authority had been given to General Williams to guarantee the payment of any sums of money for the purpose of provisioning Kars, and likewise that no sums of money or supplies had been at any time placed in the hands of General Williams for that purpose. If that fact were admitted, he wished to know whether General Williams had ever made any request to the Government, either for power to guarantee the payment of money, or to be furnished with supplies? He was not satisfied with the fact that General Williams had not received supplies, and had not been empowered to guarantee the payment of money; he wished to know whether he asked for that power; and, if he had asked for it, whether he had obtained it? He was perfectly satisfied with the noble Lord's statement that the Government had at any rate made an endeavour to obtain the co-operation of Schamyl. He thought the noble Lord, in objecting to a return of troops for which he (the Earl of Ellenborough) had asked, was under a mistake; the return referred to the number of troops employed in operations which had taken place some time ago. No doubt it would be contrary to all reason to ask for the exact number of British, French, Turkish, or Sardinian troops engaged in hostilities at the present moment; but it was in accordance with the practice of Parliament in the best times, after some period had gone by, for the fullest information to be laid before Parliament for the purpose of enabling them to judge of the conduct of the Government. He could recollect, that long before he was a Member of Parliament, the most minute details connected with the expedition of Sir John Moore were given after the battle of Corunna. At a subsequent period the most minute details were furnished to Parliament with regard to the Walcheren Expedition. This was the ordinary custom in former times, and it was contrary to reason that they should not be informed officially, in order that they might notice officially that which was practically known to all of them, but with regard to which it was essential for them to have correct information before they could form a judgment upon the conduct of Her Majesty's Ministers. When he knew that no supplies had been furnished to General Williams, and that no money had been placed in his hands, he knew what opinion to form of the conduct of the Government, previous to the investment of Kars—he knew that they had done nothing whatever for the purpose of enabling General Williams to put supplies into that fortress. But he wished further to know what had been the conduct of the allied Governments after the investment, and in order to form a judgment upon their conduct it was necessary for him to know what was the number of troops at their disposal. He believed he pretty well knew the number from the information he already possessed. In the middle of July the Turks had 60,000 men in the Crimea, 50,000 in Bulgaria, nominally 10,000 at Batoum—of whom, probably, not more than 4,000 were effective—General Vivian's corps of 8,000 at Scutari, and General Beatson's corps of 3,000. It was his belief that the number of the forces of the French, English, and Sardinians at the same period, before Sebastopol, was within 1,000 above or below 100,000 men. If he was right as to the number, there was nothing which that army, well appointed and well handled, ought not to have been able to do without the assistance of the Turks. Napoleon conquered Italy with 60,000 men; the Duke of Wellington never had more than 60,000 men of British and Portuguese troops at his disposal in the Peninsula. Napoleon had only the same number when he defended Paris against 200,000 of the Allies. If, therefore, an army of 100,000 men was before Sebastopol in the middle of July, they knew what opinion to form of the conduct of the Government in not sending assistance to Kars. There ought to be placed on the records of Parliament an account of the manner in which the Government had disposed of the resources at their command, and he assured the noble Lord that he would find, on looking back to former wars, that no Government had ever made the slightest objection to lay before Parliament details of the nature of those for which he asked.

THE EARL OF MALMESBURY said, he had himself given notice of a question on this subject. Their Lordships would remember that a campaign took place before Kars previously to that of General Williams, and that Kars on that occasion was partly fortified by General Guyon, who was an Englishman by birth, who had entered the Austrian service, and had been one of the most distinguished officers in the Hungarian war. He wished to ask whether any correspondence had taken place between the English and Turkish Governments, through our Ambassador at Constantinople, relative to the recall of General Guyon by the Turkish Government; and, also, whether any correspondence had taken place relative to the military command held by General Guyon in the Turkish service, to which he belonged?

LORD WODEHOUSE said, that a correspondence had taken place between the English Ambassador at Constantinople and the Turkish Government with regard to General Guyon, but that it was not thought advisable to publish it. As far as he remembered, General Williams never did ask for authority to raise supplies, or to guarantee the payment of funds. The noble

Earl was probably right in his estimate of the numbers of the allied armies. The Foreign Office was not in possession of the numbers of the armies at the period to which the noble Earl referred, although there might be returns at the War Office on the subject; but he doubted whether any correct opinion could be formed from the numbers of the allied army before Sebastopol, as to the operations which might have been undertaken by a portion of that army for the relief of Kars.

MARRIAGE WITH A DECEASED WIFE'S SISTER.

EARL ST. GERMANS, in *presenting* a Bill to legalise marriage with a deceased wife's sister, said, that he had in a former Session brought in a Bill on this subject which their Lordships had rejected on a second reading by a large majority. He should be wanting in respect to their Lordships if he were again to lay that Bill upon the table, and he had therefore thought it desirable, that in the Bill which he held in his hand an alteration should be made in one important particular. In the Bill now before the House he did not propose to trench on, or interfere with, the canon law. He, therefore, did not propose to permit clergymen or even dissenting ministers to solemnise these marriages. The object of the Bill was, to permit such marriages to be made before the registrar.

The Bill was then read a first time.

JUDICIAL STATISTICS—DEBATE RESUMED.

Adjourned debate on the proposed Resolutions moved on the 3rd instant, on the subject of Judicial Statistics, *resumed.*

LORD BROUGHAM said, he presumed the House might be somewhat alarmed at the prospect of a debate resumed on so dry a subject, how important soever; and he hastened to relieve their Lordships from any such apprehensions. He merely intended to make an addition to the Resolutions which he had proposed last week, and to move that the whole be taken into consideration after the recess. The circulation of these Resolutions by his worthy and learned colleagues of the Law Amendment Society had produced some important suggestions from professional men and others, especially from Recorders; and the most valuable had come from his learned friend the Recorder of Birmingham, Bankruptcy Court Commissioner at Bristol (Mr. M. D. Hill). The additional Resolutions embraced likewise some heads omitted in what related to prison and penitentiary statistics, as well as in what related to the Admiralty Courts. It was remarkable that during the short period which had elapsed since his Motion, the want of such information was more than once practically felt. Thus, when he presented petitions, praying for a change in the Ecclesiastical Courts, the whole, or nearly the whole, of the facts required for discussing that important subject would have been found by a few minutes' inspection of the tables, if we were possessed of the true statistical details which one of his Resolutions would have given when acted on, and which the French tables had in full abundance. He ought, however, to mention what he had only generally glanced at, that the possession of such resources to guide administrative and legislative proceedings, was by no means confined to France; several other continental States had departments of the same description—indeed, most of them have had regular returns for many years, and some, as the Belgian and Sardinian States, had yearly tables, with the Reports of the Ministers charged to superintend such inquiries. The Sardinian tables in particular were of great merit. How useful such details were to the lawgiver, as well as the administrator, he had, he hoped, shown last week. That they were full of interest, as well as of instruction, to those engaged in improving our legal system, he need hardly add. He observed his noble Friend who had just taken his place on the opposite bench, the noble Marquess (the Marquess of Lansdowne), who, the last Session, had the happiness of effecting the repeal of the Usury Laws—let it be said the high honour of that most beneficial change in our jurisprudence, of which his noble and learned Friend on the woolsack, and himself, could well speak from very recent experience of one, at least, of the evils of those repealed laws; for they had been kept for several days hearing a case which never could have had an existence, had the noble Marquess's Bill been passed a year earlier. Such causes were by that Act now absolutely and for ever prevented; and not only their Lordships' House, but all the Courts, whether of Law or Equity, would now bless the great improvement which, so long anxiously desired, had happily at last been effected. The noble Marquess might be assured that the profession, the bench at least, and the commerce of the country, owed him lasting gratitude. He was not more to be envied by philosophers for the possession of that mansion in which the brilliant discoveries of Priestley were made, while sheltered there under the protection of his celebrated father, than he was to be envied by the law reformers, for the triumph he had won over those laws which had been denounced by Jeremy Bentham, and had so long defied that great amender of our jurisprudence. He should only add, that it might be found impossible to establish the system of judicial statistics without a department apart from all others; but it would be better at first to try if the object in view could not be attained by annexing the duty to some department already existing. The Home Office appeared already too much loaded with business to admit of so considerable an addition; but the valuable assistance of Mr. Redgrave should be secured, who had done great things, considering the want of help from which he must have constantly suffered, in consequence of the miserable economy, the expensive parsimony, not more loudly than justly complained of by him (Lord Brougham) last week. The Statistical department, however, now existing at the Board of Trade, under the very able superintendence of Mr. Fonblanque, afforded a natural means of at least making a beginning in establishing the Judicial branch there. He ventured to express his earnest hope, that during the approaching recess the whole of this important subject would be well considered, and he should now move his additional Resolutions.

The LORD CHANCELLOR assured his noble Friend that the subject which he had introduced, which was one of very great importance, should have the serious and immediate attention of the Government. More than that he could not say, as it was a very difficult and complicated matter to introduce for the first time such statistics as were involved in the Resolutions.

The said proposed Resolutions were (by leave of the House) *withdrawn:* Then it was *moved* to resolve, &c. [See debate of the 3rd instant, vol. cxl. page 1693.]

The further debate adjourned *sine die.*

EDUCATION—QUESTION.

The Earl of SHAFTESBURY said, he would take the liberty of asking the noble Earl opposite (Earl Granville) a question respecting the Bill relating to Education which he had laid on the table.

His noble Friend had laid his Bill on the table without any explanation, with a view, no doubt, to its being printed and circulated throughout the country. That measure had occasioned considerable excitement in the country, and various opinions were expressed as to its merits. Since that Bill had been introduced, a measure of a much more comprehensive and extended character had been introduced by a noble Lord in the other House. It would, therefore, be very desirable if the noble Earl would inform their Lordships whether it was his intention to yield to that measure, or to persevere with his own Bill upon the subject?

Earl GRANVILLE: In answer to the question of the noble Earl I may be permitted to say a few words in explanation of the intentions of the Government with regard to this Bill. If I remember right, on the first night of the Session some surprise was expressed by a noble Lord at not seeing any reference made to the subject of education in Her Majesty's Speech from the Throne. I then stated that the subject had been omitted because the Government did not then see any great prospect in the present Session of any great scheme of education being carried out. At the same time I added that it was far from the intention of the Government to neglect any means which might tend to promote education amongst the humble classes of the country. With this view I introduced into the House a small Bill to improve the constitution of the educational department of the Government. There have also been passed certain minutes of Privy Council for the purpose of extending those grants for educational purposes which had already conferred such important advantages, especially in the rural districts; but of course these minutes cannot be carried out until a vote of the other House of Parliament has been obtained. Whether anything further is to be done upon the subject at present is a matter for future consideration. Whatever differences of opinion exist as to the proper remedy to be applied—whether education should be left to the voluntary system, to a system of state support, or to a system of local rating—whatever different plans may be proposed, Her Majesty's Government feel strongly that the present state of education in the country is not one which it is desirable to keep *in statu quo*. There is one fact which has been mentioned so often that few persons can be ignorant of it, and it is one which proved how defective the present system of education is. It appears by the Census returns that there are 5,000,000 of young persons in England between the ages of five and fifteen years, 2,000,000 of whom it was stated attended schools, receiving more or less education therein; 1,000,000 were kept almost constantly at work; while there were 2,000,000 who were neither employed nor received any education whatever. Now this, I think, is a conclusive proof of the necessity of improving the present state of things. I may say, with regard to the Census returns, that in some parts of the country—particularly in Lincolnshire—great pains have been taken to ascertain the truth of those statistics. I myself, with the aid of the inspector of schools, took occasion to examine thoroughly one of the larger districts of London, for the purpose of seeing how far the accounts given by the Census returns were accurate. Now, in both instances the arithmetical accuracy of those returns was fully proved. Under these circumstances it is important for the Government to consider whether any Bill upon the subject of education should be introduced this Session by them. Certainly their experience of the Bills on the subject introduced by Members of different parties was not very encouraging, as to the chance of passing any effective Bill through Parliament this Session. It was also a matter for their consideration whether anything had been introduced into the previous Education Bills which could create any unnecessary or additional difficulty. It appeared to the Government that those Bills were almost too comprehensive—that they decided too many points—that they took too many precautions, and that they, therefore, enlisted against many parts of them objections from different classes of educationists, who differed amongst themselves as to what was objectionable or otherwise. I do not think there is a more remarkable feature in the English character than their unwillingness to commit themselves to any theory in matters of this sort, while nothing in practice is more likely to be carried out than a measure of this kind, when gentlemen in their own immediate districts set practically about such a work, and avoid questions which it is impossible to settle by legislative sanction. Although many representatives of opposite modes of thinking on the question of education in the other House might not agree in a great many of the Resolutions proposed by their respective opponents, I should not be afraid to meet four or five of those gentlemen in their own district, and I should not despair of establishing practically a very good school, which would meet all the requirements of the neighbourhood. The Government have also to consider what Bills passed through Parliament last year. There were two Bills bearing on the subject of education which passed last Session. The one authorised the giving of assistance out of the poor rates, in regard to the education of the children of paupers receiving out-door relief. Another Bill, which was unanimously agreed to, allowed parishes, and districts, and all local governments, to raise rates for the support of public libraries. Whenever I shall have the honour of moving the second reading of the Bill to which the noble Earl has referred, I think I shall be able to show, even in the short working of those two Acts, some curious instances calculated to illustrate the advantages they have afforded in the promotion of education. I think I can also show cases in which certain parishes, by a voluntary system of rating for educational purposes, have conferred much comfort and satisfaction upon all classes in their neighbourhoods—parishes in which the clergymen have expressed their unanimous approbation of the system pursued, inasmuch as it had effectually put an end to all those disputes and inconveniences which had heretofore existed in reference to the subject. I think I should be able to show further that, in regard to the metropolitan districts especially, the ratepayers have not neglected to make the most munificent provision for the education of pauper children. For these reasons the Government have been of opinion that a Bill much more simple in character than those which have been already produced would have a better chance of meeting favour from both sides of the House. I should certainly be the last person to undervalue the advantages of the Committee of Privy Council on Education. I believe that the exertions of that Committee have increased enormously of late years. Your Lordships are hardly aware of the extent of those exertions and what good results have arisen from them. I shall be happy if I have an opportunity of making some statement upon this subject, and to rectify some impressions which are generally supposed to be facts by many of those gentlemen who take part in these discussions. I, however, entirely concur in opinion with those who think that the beneficial efforts of the Committee of Council on Education might be increased with advantage;—but I cannot shut my eyes to the fact, that the time must come when the pressure upon any great central authority, if it have to conduct all the requirements of a general national education, will be greater than it can possibly sustain, and that, therefore, whatever the nature of the measure may be, we must have recourse to something like local and self government to carry on a system of education throughout the country. With those impressions the Bill which I proposed was one to enable the town councils and parishes to rate themselves for the purpose of promoting education. I know that a great many objections might be raised to such a plan. I will not go into them now, not wishing to anticipate the discussion that will, no doubt, arise upon the second reading of the Bill. The principle upon which the Government have gone in the Bill is this —to omit as much as possible all restrictions, and to leave to the good sense of the particular districts themselves to settle those questions which give rise to objections and to difficulties. I believe that that good sense will be able, in the majority of instances, to solve the questions of religious differences which Parliament can never decide upon satisfactorily. It is an experiment which I think well worthy of trial by your acceptance of the permissive Bill which I have had the honour of introducing. When I introduced that Bill, I gave no explanations whatever of its provisions, as it is my intention to move the second reading in a fortnight, when I shall enter into such a statement. My noble Friend (the Earl of Shaftesbury), who takes a great interest in the question, and other persons whom I have consulted on the subject, have suggested to me the propriety of postponing a little longer the consideration of this question, as the country generally may feel that they had been taken by surprise if any haste were shown by the Government in the settlement of this question. A debate has since taken place in the other House of Parliament, and Lord John Russell, speaking with that authority which always belongs to him, made one of the most comprehensive

statements on the present state of education that I have ever heard. I do not want to say a word as to any of the suggestions made by the noble Lord, except that they cannot fail, both from the intrinsic importance of the subject itself and the circumstance of their emanating from so distinguished an authority, to be carefully considered. The whole subject which is embraced in the noble Lord's Resolutions is likely to lead to considerable discussion, upon a much wider field than that afforded by the small Bill which I had the honour to introduce. It is quite possible that I shall further postpone the discussion upon this Bill until I have seen what the views entertained by the promoters of education are generally. I can only say when they approached this subject they would approach it with the same earnest desire as has been shown in another place, to come to a satisfactory conclusion upon this very important social question.

THE EARL OF HARDWICKE thought it would be a fit subject for the Government sitting in the Cabinet to consider the state of the education provided for the army and navy. He had called attention to the system of education provided for young officers in the navy, and had heard that something had been done; but what it was he could not tell. In the army there had been a great overthrow of education; establishments which had existed for years had been suddenly closed in the face of those whose names were down for admission to them. He wished to know what system of education was to be provided for the military and naval service, or whether there was to be none at all?

EARL GRANVILLE replied, the subject referred to by the noble Earl had not been overlooked by the Government, who considered it of great importance and requiring its earnest attention.

THE EARL OF SHAFTESBURY said, he did not mean to deny the accuracy of the Census returns; if, however, there were 2,000,000 children who were not receiving any education, it was not because there were no places of education for them; on the contrary, he believed that the places of education provided for children in this country would contain nearly half as many again as attended. He believed that education could not be universally carried out until it was made compulsory.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 13, 1856.

REGISTRATION (SCOTLAND)—QUESTION.

Mr. ALEXANDER HASTIE said, he wished to inquire into the truth of a statement to the effect that the expense of registration in Scotland amounted to between £1 and £2 per head?

Viscount DUNCAN said, he begged to thank his hon. Friend for giving him the opportunity of stating to the House that the statements which had been made were totally inaccurate. He had taken means to ascertain the facts, and he found that the total cost of Registration Books in Scotland amounted in the first year to £3,000, and subsequently it averaged about £2,000 a year. As compared with 1855, a great alteration had in 1856 been made in the entries, and a very great number of those required in the former year were now omitted. The total cost for carrying into operation the Registration Act in Scotland was £18,000, and that included £3,000 for postage, which would be paid over by another department. The average per head for registration was, instead of being from £1 to £2, about two shillings upon the whole number. Upon inquiry, it would be found that the provisions of the Act had been most faithfully and economically carried into operation.

METROPOLITAN VESTRIES—QUESTION.

Viscount CHELSEA said, he would beg to ask the hon. and learned Attorney General whether he had not given it as his opinion that by the provisions of the Metropolis Local Management Act, 18 & 19 *Vict.* c. 120, s. 8, all existing vestries, whether general or otherwise, were superseded, and their powers transferred to the vestries constituted under the said Act? It would be necessary for him to make a short statement with reference to the circumstances that had induced him to put this question. It was in the knowledge of the House that in the course of last Session an Act was passed for the better regulation and management of the metropolis; and by that Act it was intended to transfer to new vestries all the powers and privileges that were enjoyed by the then existing vestries. No doubt appeared to have arisen on that Act till about a month since, when a question arose as to the meaning of the words "existing vestries," and as to whether the old vestries had really been done away with by those constituted under the new Act. He had had an interview with the Attorney General, in which that hon. and learned Gentleman informed him that he had prepared a Bill, which he proposed to bring in, in order to meet that difficulty, observing, at the same time, that he (the Attorney General) himself had no doubt as to the meaning of the Act, but that as doubts had arisen, he felt it incumbent on the Government to remove all doubts on the subject. ["Order, order!"] He was unwilling to trespass on the time of the House, but as he felt the question to be one of importance, and that he might be in order, he should move the adjournment of the House, that he might have an opportunity of making his statement. Well, the Attorney General had brought in his Bill, and expressed his determination to do all in his power to pass it into law before Easter, at which time the parochial meetings took place and parochial business was discharged, and at which time, consequently, as the Attorney General had stated to the House, litigation on the subject of the Act of last Session would arise. Last Friday evening had been fixed for proceeding with the new Bill; but on that evening a disorderly attack was made on the hon. and learned Gentleman by the hon. Member for Finsbury (Mr. T. Duncombe), and, subsequently, by consenting that the Bill should not be brought under discussion after twelve o'clock, the noble Lord at the head of the Government had virtually consented that the Bill should not become law till after Easter. However, if the Attorney General now gave his opinion that the old vestries were legally defunct, and that any acts performed by them would not be valid or have force in law, he thought such an opinion would go far to prevent litigation at the forthcoming Easter vestry meetings. He would conclude by moving, "That this House do now adjourn."

The ATTORNEY GENERAL said, he hardly knew whether he ought to answer the question which had been put to him by the noble Lord. Though it was not very regular that he should be asked what opinion he had given to parishes which had consulted him professionally, he had told the noble Lord that he should be happy to answer such a question; but he did not expect that the noble Lord would, in putting it, take the opportunity of attacking the hon. Member for Finsbury and himself for the course which had been pursued with reference to the Metropolis Local Management Act Amendment Bill. He had, in point of fact, given such an opinion as was stated in the question put to him by the noble Lord, but the noble Lord had altogether misunderstood him if he supposed that he had stated that he had given that opinion without any doubt. He believed it was but a day or two ago that he had told the noble Lord that on this particular question he entertained great doubts. He had given an opinion that the new vestries had succeeded to the old ones in the metropolitan parishes, but he had given it with the greatest possible hesitation and distrust of its soundness. The eighth section of the Metropolis Local Management Act transferred all the powers of existing vestries to the new vestries, but it made a reservation in these words, "except as hereinafter provided." Now it happened, unfortunately, that there was no provision thereinafter which had the effect of qualifying the terms of that clause; but the machinery provided by the Act was undoubtedly not in harmony with the idea of a transfer of all the powers of the old vestries to the new ones. He thought that it was doubtful which way the question would be decided if it should come to a judicial decision. His opinion was, that the terms of the eighth section would prevail, and that the powers were transferred to the new vestries, but information which had recently reached him showed that, at all events for ecclesiastical purposes, the machinery of the new Act was incapable of carrying out all the powers of the old vestries. The question was in such a state that there must be further legislation upon it, and he had therefore brought in a Bill with a view to prevent litigation and expense. He found that a strong feeling had been excited in the parishes, and that, instead of desiring that the matter should be settled at once, they seemed to prefer litigation. They asked for time to discuss the matter, and to present their case to the Legislature, and under those circumstances he thought that it would be unfair to them to press forward his Bill. He therefore hoped that the House would think that he had done right in postponing it.

VISCOUNT CHELSEA said, he must beg to express his regret for having unintentionally misrepresented the hon. and learned Gentleman.

MR. T. DUNCOMBE said, he would recommend the noble Lord (Viscount Chelsea) to put a similar question to the hon. and learned Solicitor General, from whom he thought he would receive a reply different from that which had been given by the hon. and learned Attorney General. The opinion which had been given was a joint one, but had, he believed, been given more by the Solicitor General than by the Attorney General. What he complained of was, that, although that opinion was given on the 1st or 2nd of February, a considerable time elapsed before the Amendment Bill was introduced into that House. In a letter written in the month of February, the hon. and learned Attorney General said :—

> "I should have answered your letter of the 26th ultimo before this, but have been very unwell. The tone of my opinion must have shown the great doubts I entertained on the subject to which your letter referred. I feel that the parishes of the metropolis ought not to be involved in litigation on such a matter. I propose immediately to bring in a Bill to remove the doubts and difficulties which exist on the subject of making poor rates. I shall hasten the Bill through Parliament with the utmost expedition, and I recommend the new vestry in your parish to do nothing until this Bill shall have passed, which I have no doubt it will before Easter."

That was as much as to say that the new vestries were impostures, and not worthy of being regarded. The public had great reason to complain that the Bill now on the table had been introduced at so late a period as to preclude its consideration before Easter. The delay that had taken place was most unwarrantable. If the measure had been brought in earlier it was very possible that questions now in a state of uncertainty and embarrassment might have been decided in a manner satisfactory to all parties; but, as matters now stood, there was nothing but confusion and perplexity. In one of the largest parishes of London the elections were now about to take place under the direction of the old vestries, and there was no knowing where the litigation might end.

Motion *negatived.*

IMPORT DUTIES—NEWFOUNDLAND AND THE GOLD COAST—QUESTION.

MR. W. EWART said, he begged to ask the right hon. Gentleman the Secretary for the Colonies whether any measures had been adopted to do away with the increase stated to have been made in the import duties on British manufactures by the Legislative Council of Newfoundland; also the increase stated to have been made in the import duties on British manufactures by the Legislative Council of Cape Coast Castle?

MR. LABOUCHERE said, that the Legislature of Newfoundland had qualified in some respects the increased duties levied on goods imported from this country, and the Act of the Legislative Council with respect to those duties had been confirmed. With regard to the second question of the hon. Gentleman, the Governor in Council at Cape Coast Castle had put on an *ad valorem* duty of 3 per cent on all goods "imported on the Gold Coast." However, it had been represented that our possessions were so mixed up with other possessions in that country that this increase of duty would have the effect of driving trade from the British to the Dutch coast; consequently that Act would not be confirmed until further reported on.

THE CRIMEAN TARTARS—QUESTION.

MR. HOLLAND said, he wished to ask the First Lord of the Treasury whether the attention of Her Majesty's Government had been drawn to the position of the Crimean Tartars in the event of peace being established, and the allied forces, towards whom they had shown themselves friendly disposed, being recalled?

VISCOUNT PALMERSTON: Sir, it is invariably the practice in the case of a war in the course of which the army of either country have occupied the territory of the other, that, if there should subsequently be a pacific agreement between the parties, an amnesty is granted to all subjects who may have been in any way committed in the course of the hostilities. I cannot have the slightest doubt that an agreement of that sort, binding on all the belligerents, would form a part of the stipulations to be made in case of the re-establishment of peace by the pending negotiations.

ORDNANCE—THE DEFECTIVE MORTARS —QUESTION.

COLONEL BOLDERO said, he wished, with reference to certain mortars that had lately been the subject of discussion in that House, to ask the right hon. Gentleman the Clerk of the Ordnance whether those mortars had undergone the usual test at Woolwich, namely, examination and proof? Proof, as every hon. Gentleman acquainted with the subject knew, was made with a charge of powder much greater than the ordinary charge. He further wished to ask, if those mortars had been so tested, had any defects been discovered by those tests, and if not, had the contractor been paid for those mortars that had been sent for trial? The next question he wished to put to the right hon. Gentleman was, whether those mortars that had burst, had burst with the ordinary service charge, or while experiments were being made to ascertain their powers of resistance before bursting? He also wanted to know if there would be any objection to lay upon the table of the House a copy of the contract with Messrs. Grissell and Co., the prices named, and the specification of the iron to be used, and likewise the correspondence between the public departments and the contractors? He would further ask the right hon. Gentleman for a return of the quantity of ordnance proved at Woolwich between the 1st of January, 1850, and the 1st of January, 1856, stating the number of guns that had been rejected and the cause of their rejection? He thought that those returns would disabuse the public mind of an impression that the contractors for ordnance had been in the habit of imposing upon the Government.

MR. MONSELL said, that there was not the least objection to giving the returns asked for by the hon. and gallant Member. As to the first question put by the hon. and gallant Gentleman, the mortars alluded to had been tried by the ordinary service charge. In that trial one of them burst, and it was found, on investigation of the broken part, that it had been made of the most inferior iron. Another of the mortars passed the proof trial, but, upon hydraulic pressure being applied to it, it was found that, probably on account of the plug being loosened by the previous firing, there were upon the face of the mortar five flaws, through which the water penetrated. The circumstances under which the trial at Shoeburyness took place were these:—It having come to his knowledge that an unfortunate accident had happened because of the badness of one of the mortars supplied by new contractors two or three months ago, he directed that no new mortars from the new contractors should be issued for use until two out of every lot supplied had been sent to Shoeburyness and fired with the ordinary charge until they burst. Two of Messrs. Grissell's mortars were accordingly sent for trial to Shoeburyness. The first of them burst on the tenth round, and then occurred the circumstance which had been adverted to in another place. Money had been paid to the contractors, but whether any had been paid on account of the mortars sent to Shoeburyness was more than he was at that moment able to say.

CONFERENCES AT PARIS—ITALY—PRUSSIA—QUESTION.

Mr. BOWYER said, he rose to ask the First Lord of the Treasury the following questions—namely, Whether there is any truth in the report that the attention of the Paris Conference will be directed to the affairs of Italy; also, whether the Sardinian Government has suggested or requested that any and what matters of Italian politics may engage the attention of the Conference?

Viscount PALMERSTON: I am sorry, Sir, that I cannot give the hon. Gentleman any information on the subject to which he has referred. One of the very first Resolutions come to at the Conference was, that the proceedings which might take place from day to day should be known only by their results.

Mr. DISRAELI: I, Sir, also, wish to ask the noble Lord a question respecting the Conferences at Paris, the answer to which, however, I believe, will not violate the rule of which he has very properly reminded the House. The question I desire to put is one of a very important character, referring as it does to the relations between the Court of Berlin and the Conferences of Paris. Will the noble Lord be good enough to inform the House whether it be true that Prussia has been invited to attend the Conference, that she has accepted that invitation, and that two distinguished diplomatists, one of whom is a personage not less eminent than the First Minister of Prussia, are about to visit Paris for the purpose of attending the negotiations?

Viscount PALMERSTON: I am afraid, Sir, that I can only give the right hon. Gentleman an answer to his question exactly similar to that I have just given to the hon. and learned Member for Dundalk.

Mr. DISRAELI: I beg permission, Sir, to offer a word in explanation. I, of course, do not object to the noble Lord refusing to answer my inquiry, but I cannot conceive that his reply to the hon. and learned Gentleman (Mr. Bowyer) at all applies to my question, which was one of a very different character from that of the hon. and learned Member. Therefore, I would request the noble Lord entirely to decline giving me any answer, instead of offering me one which in no way refers to the interrogatory which I put to him.

Viscount PALMERSTON: I beg the right hon. Gentleman's pardon, but he asked me whether the members of the Conference have invited, or are about to invite, Prussia to join in the negotiations, and whether the Prime Minister of Prussia is about to go to Paris, in order to be present at the Conferences. My answer was, that I declined to give any information as to what the Conference are about to do, and of course it is not competent for me to state what the Prussian Prime Minister contemplates doing.

OPERATIONS IN THE BALTIC.

Sir CHARLES NAPIER said, he rose to move for a Select Committee to inquire into the operations of the British fleet in the Baltic in the years 1854 and 1855. He could assure the House that, in bringing forward this Motion, not a word would escape from him calculated in any degree to damage the interests of this country. He would speak merely of the past, not of the future. So many observations had been made respecting the little which had been done in the Baltic during the years 1854 and 1855, that he thought it was only just and fair that some inquiry should be made to ascertain whether the admirals had done their duty or not. If, on the other hand, they had done their duty, it was high time that the conduct of the Admiralty should be looked into, and the offending parties brought to an account, especially if they had endeavoured to throw the blame off their own shoulders. He had served his country for upwards of fifty-six years. He had served under four Sovereigns, and he had always thought that he had served fairly, justly, and honourably. He had commanded not only fleets, but armies. He had been ready to serve in all parts of the world. It had been said in that House, by the late Sir Robert Peel, that in two minutes he (Sir C. Napier) had overthrown a dynasty. He did not know the time had been quite so short, but he had certainly taken great liberties with Don Miguel, both by land and sea. He would now proceed to tell his tale in a plain, straightforward manner. He would not have recourse to any special pleading or exaggeration, and he hoped that those who followed him would tell their own story, and stick to the truth. On the 24th of November, 1853, the right hon. Baronet (Sir J. Graham), then the First Lord of the Admiralty, communicated his intention of giving him (Sir C. Napier), in the event of war, the command of the fleet in the Baltic. At that time it was known that every man in England and Europe that war was imminent; but, however, Her Majesty's Government were the only people who thought that war was not likely to take place. He did, however, not receive his appointment until the 25th of February following. On receiving that appointment he went to the Earl of Aberdeen and Lord Clarendon, to point out to them the state of the navy—that it was very low, not well disciplined, and not fit for a country preparing for war. He also sought an interview, on the same subject, with the right hon. Baronet (Sir J. Graham), but he declined to see him. Every Gentleman in the House knew that he (Sir C. Napier) was exceedingly proud of obtaining such an appointment as the command of the Baltic fleet. At the time when he was appointed to that command, would the House believe that the only force placed at his disposal was three sail of the line, not fully manned, on the Lisbon station, and three or four frigates, and some steam vessels. There were here three ships of the line, and those ships manned only for the purposes of the ordinary and harbour duty. There were three block-ships—one in Portsmouth, one at Plymouth, and one a tender to the *Excellent*, the exercising ship. He believed, and readily admitted, that the Government made strenuous exertions to complete these ships; but the difficulty was to obtain men, for the Government could only look to the coast-guard and to the riggers in the dockyards. There were two 84-gun ships, the *St. Jean d'Acre* and the *Princess Royal*, put in commission; but great difficulty was experienced in manning the fleet, for every naval officer, and especially every Lord of the Admiralty, should know that at the commencement of a war it was most difficult to secure men. Knowing this difficulty, he urged on the First Lord of the Admiralty the expediency of issuing a Queen's Proclamation, to call on men to come forward and serve, as war was likely to take place. Under the Act of Parliament, after the issuing of that Proclamation, every man would be entitled to receive double bounty. The right hon. Baronet did not think proper to issue the Queen's Proclamation. He (Sir C. Napier) believed that the right hon. Baronet was wrong; and he believed that his own Board and the Ministers thought that he was wrong; for he (Sir C. Napier) had himself communicated with one or two of the Ministers, and although they would not admit he was wrong, they evinced by their manner, in his opinion, that the right hon. Baronet was not right; they would not, however, interfere with the First Lord of the Admiralty. Could any person suppose—how was it possible to suppose for a moment—that the First Lord of the Admiralty could be right, when they knew that Russia had a fleet of twenty-eight sail of the line, armed, organised, and drilled for twenty or thirty years, in the habit of going to sea only in summer, but in reality a fleet so well disciplined that to despise them would be simply absurd? He felt a very high degree of responsibility, for if any accident had happened to the British fleet, what would Parliament—what would the country—have said? He would have been to blame, and the Admiralty would have got out of the scrape somehow or other, as it always did.

He would pass over the celebrated banquet at the Reform Club—that glorious banquet, where such fine speeches were made, speeches that stirred up the country, so much so that he believed if he had taken the Emperor of Russia, the public would have expected that he should have brought St. Petersburg with him. The fleet assembled—there were three two-deckers, three block ships, and two 84-gun ships. Her Majesty, and almost every person who could bear the expense, went down to see this magnificent fleet, which was expected to take St. Petersburg, Cronstadt, and, he believed, Moscow also. He knew that it would require the greatest attention and energy to bring that fleet into a state of efficient discipline; but it was ordered off so suddenly that there was no time to do so. The very day he attended Her Majesty's levee he received an order to proceed to Portsmouth, and, would the House believe it, he actually went to sea without anything in his cabin—without servants, without knives and forks, and without baggage. The right hon. Baronet the First Lord of the Admiralty congratulated him on the seamanlike manner in which he thought the fleet had put to sea, although he (Sir C. Napier) could not perceive anything particularly seamanlike about it. Well, they went to the Downs. The Admiralty, with a great deal of foresight, had sent pilots from Hull and the east coast of England to learn something of the

Baltic, and to take the fleet up to St. Petersburg. When they got to the Downs, he found, to his utter astonishment, that all the pilots except eight had gone to get their clothes, and that those who remained knew nothing of the Baltic—so much so, that after a short time, they sent them home one by one. He believed the Admiralty, with respect to the pilots, had done its best, although rather late. They had no North Sea pilots, and he wrote to the Admiralty to that effect; but he must tell the House that during the whole of last war there was no ship sent to the North Sea without having two pilots on board. He received orders by telegraph to put to sea, and he arrived safely in Wingo Bay, the fleet certainly coming in in a very scattered manner. They then set about to endeavour to obtain pilots, but none were to be had. He should mention that he had also received an order from the Secretary of State (Lord Clarendon), to place his fleet in such a position as to render it impossible for any Russian ship to leave the Baltic. He believed that there was a great number of persons here who did not know what the Baltic was. They supposed that it began at the Cattegat and terminated at the end of Bornholm. If he had remained at Wingo Sound, and the Russian squadron had left Helsingfors, and had gone to Copenhagen—Denmark being then wavering in its policy—he would ask what would the House and the country have thought of him? They would have asked, "Why did you not obey the orders of the Secretary of State, which were superior to those of the First Lord of the Admiralty?" He did what he considered was right. He had very active admirals with him—Admiral Plumridge, who placed his steamers so well that they passed the fleet through to the only anchorage outside Copenhagen without accident. When he arrived there so well, he fully expected that he should have received a letter of thanks from the Admiralty for the exertions which his admirals, his captains, and himself had made. The first day that they were there, it came to blow a gale of wind, and they were obliged to anchor in the open sea, but many of the ships could hardly get their sails furled, because the men were afraid to lay out on the yards. When they arrived at Kioge Bay, he received a letter from the Admiralty, calling attention to his orders, and stating that he had left Wingo Sound without assigning reasons, or the concurrence of the Board. He, however, had several reasons for doing so; one was, and they knew it, the order which he had received from the Secretary of State.

Three letters were received from the Admiralty respecting the passage of the Belt, on the 1st of April. On the 8th of April he received a letter from the Admiralty approving of the manner in which he had passed the Belt. He then wrote to the Admiralty complaining that, although he had used his best exertions to prevent the possibility of the Russian ships getting out, the Admiralty found fault with him. On the 10th of April twelve sail of the line made for the Gulf of Finland. On the 15th they arrived off the Gulf. At that time he had very good experience that the ships had not been properly manned. The officers and men did everything in their power, but every one understanding anything about naval affairs must know that it is impossible in a day or two, or even in weeks, to get a fleet to "go on." Such was the neglect of naval affairs during the peace, that the country seldom had a fleet at sea, and then only for a very short time. One would suppose that the Admiralty, instead of endangering six or eight vessels of the line to cruise about, would have employed six or eight frigates, which would have been more efficient and much less expensive. He did not believe any officers then engaged had ever sailed in line before. He did not even know if any captain in the fleet had ever sailed in line before. Now, if it was dangerous for a fleet, under such circumstances, to sail in the daytime, how much more so must it have been in the night? The passage across the Gulf of Finland is sixteen or eighteen miles, and there were rocks and shoals innumerable on each side. How difficult must it have been, therefore, to preserve a fleet in such a place, which was then almost unknown. Well, he received a letter from the Admiralty, which, he thought, was rather sharp, and he wrote them a letter which he thought was rather sharp too. He was afterwards accused of having disobeyed orders, and of having treated their Lordships with disrespect. He confessed he did not write a proper letter. He had written to the Admiralty saying that sometimes they complained of his going too fast, and sometimes of his going too slow, but on consideration he afterwards wrote to his right hon. and gallant Friend (Sir M. Berkeley), apologising, and stating that he (Sir C. Napier) was wrong in writing such a letter. But shortly afterwards he received from the Admiralty a laudatory letter, approving of his passage of the Belt, and his movement to the Gulf, and of the manner in which he had exercised his officers and men. Afterwards he had received a letter from the right hon. Baronet, advising him (Sir C. Napier) not to knock his head, prematurely, against stone walls. He subsequently received a letter from the right hon. Baronet, cautioning him to feel his way during the ice, and by no means to contemplate an attack on Sweaborg or Cronstadt, and advising him to have a great respect for stone walls. The right hon. Baronet added that, because the public, at a distance from danger might be foolhardy and impatient, he (Sir C. Napier) was not to risk a fleet in endeavouring to achieve impossibilities. The right hon. Baronet also stated that he believed both Sweaborg and Cronstadt to be impregnable from the sea; that the Russians at those places would watch their opportunity, in the hope of the English fleet knocking their heads against stone walls. He hoped that no desire to achieve a great triumph, for the mere purpose of satisfying the wild wishes of an impatient public at home, would lead him into a rash enterprise, and that he would have the moral courage of doing what he considered right, even at the risk of being afterwards accused by the public of doing what was considered wrong.

He would now show that he acted up to the spirit of those instructions, and did what was right. Thinking it neither right nor proper to go into the Gulf of Finland, he proceeded to the roadstead of Stockholm, with the intention of staying there a few days. In the middle of rocks and shoals he encountered a violent storm, but, through the mercy of Providence, and the energy, zeal, and decision of officers and men, the fleet escaped without damage. He would leave hon. Gentlemen to imagine, what an anxious night he passed during that storm, not knowing what might have become of the fleet. He thought that circumstances justified him in going into that roadstead. [The hon. and gallant Member then read a letter from the Admiralty, expressing their regret that he considered some of the ships unfit for going into action.] He replied to that letter on the 16th of June. How could the right hon. Baronet suppose that in six weeks or two months the fleet could be got into proper order? Why such a thing could not be done in twelve months, perhaps not in two years. He wrote to the right hon. Gentleman, saying—

> "I have done all I could to get the ships into readiness, but you must not suppose that we are ready. The ships cannot be got ready for action in a day, and the Russians are not to be despised."

After some time the fleet went to Hango Sound. The Russians had then a fleet of eight or nine sail of the line at Helsingfors, and though we had a Minister at Copenhagen, a Minister at Sweden, one at St. Petersburg, and one at Hamburg, and Consuls all over the Baltic, we did not know where the Russian fleet was. It was an extraordinary fact that the son of his gallant Friend (Sir Edmund Lyons) was sent to poke his way through the ice with the bow of his vessel, and his steam up, in order to make his way to Revel. That young officer was now no more, and he was very sorry for it. That officer brought positive information that no fleet was lying at Revel. His (Sir C. Napier's) object in going to Hango Sound was to coax out the Russian fleet. He followed, in that respect, the example of Lord Nelson; but the Russians, instead of coming out to fight, remained snug in harbour. He afterwards received from the right hon. Baronet a very complimentary letter, and again cautioning him against rash experiments. He afterwards went to examine Sweaborg, and found that it was impossible to take it without the aid of gun and mortar boats, and gave information to that effect to the Admiralty. He wrote to the right hon. Baronet after sending the letter of the 18th of July, which the Admiralty denied having received, in which he said that "he had now the Duke of Newcastle's instructions before him, and that he had accomplished all that had been pointed out in those instructions for him to do." [The hon. and gallant Member then read other portions of the correspondence.] Now the House would see that it was no doing of his to send 10,000 men to attack the Aland Islands and Bomarsund. He wanted only 2,000 or 3,000 men, but the Government thought proper, or got the French Government to think proper, to send that number of men for that purpose. The right hon. Baronet (Sir J. Graham) then wrote him the following letter:—

> "Admiralty, June 20, 1854.
>
> "My dear Sir Charles,—I am well aware of all the difficulties of your position, and of the impossibility of triumphing over an enemy who will not fight you on fair terms, but you will discipline our fleet, and make our officers and men fit and ready for any service. It is a disgrace to Russia that she dare not show a ship in her own waters, and that she is driven to seek for safety under the shelter of her fortresses.
>
> "It would be madness to play her game, and to rush headlong on her granite walls, risking our naval superiority, with all the fatal consequences of defeat in an unequal contest with wood against stone, which in the long run cannot succeed.
>
> "I had reliance on your prudence, which was doubted; your brilliant courage was proved long ago; you will now show to the world that you possess a combination of those great virtues which are necessary to make a consummate Commander in Chief."

Here was a grand flourish! Perhaps, some Gentlemen might think that it was not right in him to read those letters, which were marked private; but they must remember, that every one of those letters was on the public service; and when he read, in the evidence of the right hon. Baronet, before the Sebastopol Committee, in which he turned—and said he had a right to do so—the private letters of officers into public ones, he (Sir C. Napier) thought he had an equal right to make the private letters of the right hon. Baronet public, when they related to the public service. He was, of course, very much pleased at receiving that commendation; and if any Gentleman thought he was wrong in reading those letters, let them remember that he had been turned adrift by the Admiralty, and he felt dishonoured and disgraced; and every one would excuse an officer when he stood forward to vindicate his conduct, and clear his character.

Well, then, they arrived at Cronstadt. He had seen many strong fortifications. He had seen Toulon, and examined it both from the sea and on the shore. He had seen Cadiz. He had not seen Brest, but he had seen Cherbourg; and there was not one of them to be compared to the fortifications and the strength of Cronstadt. Still the mere strength of those fortifications would not have caused him to hesitate in attacking them, because although those three and four deckers, if he might so term those batteries, were stationary, and could regulate their fire in a way that ships could not, yet when the ships were well manned and could have proper sea-room, he should not fear the result. But it was dangerous going in to attack them. The French Admiral and himself reconnoitred the fortress, but how could they get into Cronstadt through narrow and shallow passages, with ships drawing twenty-seven feet of water. The French Admiral himself decided that they could not, at that time, and with the means they had then at their command, successfully attack Cronstadt. He (Sir C. Napier) made a survey and report to the Admiralty on the subject, which, of course, the House would not expect him to read; but the right hon. Baronet, in his answer to him, said, on the part of the Admiralty, they were well satisfied with the able and well-executed survey which he and his officers had made of the approaches to Cronstadt. They had full confidence in his judgment, and approved of the course he had taken in offering battle to the enemy, of which offer he did not avail himself. The letter proceeded to give him instructions as to the blockade of the Gulf of Finland, the keeping of the enemy in check at Sweaborg and Cronstadt, and other matters, which, when he came to examine, he found it impossible for him to carry into execution. He was to take care of Cronstadt and Sweaborg, and to go down to Faro to embark troops there, and send them home in transports. How was it possible for him to attend to all the other points, and to go down to Faro? Instead of doing so, he brought the whole of the troops up to Ledsund. Well then, he received the following letter from the right hon. Baronet:—

> "House of Commons, June 27, 1854.
>
> "My dear Sir Charles,—I am glad that you have gone up to Cronstadt, to see with your own eyes what it may be possible to do there. Whatever man can do, I am certain will be done by you; and if you are restrained, by a sense of duty, from embarking in any desperate enterprise, on your return to Baro Sound you shall receive full instructions from me respecting an attack on the Aland Islands."

Shortly afterwards he received the following letter from the right hon. Baronet—

> "Admiralty, July 11, 1854.
>
> "My dear Sir Charles,—I had anticipated your return to the westward, after an offer of battle, which I felt certain the enemy would decline; and it now remains for you to blockade the Gulf of Finland, to keep the fleets at Cronstadt and Helsingfors disunited, and to await the arrival of the French troops, when you and the French Admiral and General must deliberate on the operations to be undertaken by the combined forces. Bomarsund will clearly be within your reach. Sweaborg, if it were possible, would be a noble prize, but on no account be led into any desperate attempt; and, above all things, avoid the least risk of the Russian fleet slipping out of the Gulf of Finland, when your back is turned; and be slow to land your marines, without whom

your line of battle is disabled. The Russians, though shy, are crafty; and if they can catch you at a disadvantage, they will be down upon you."

And then came a very remarkable passage—

"With 50,000 troops and 200 gunboats you might do something great and decisive before the end of September."

Well, they left Cronstadt, and arrived at Baro Sound. On the 1st of August the Admiralty wrote to him—

"By your foresight and good arrangements the whole of the French army will have joined you off Bomarsund before the end of this week, and I hope that you will send back the line-of-battle ships which carried them to you, as soon as possible."

In order to get at Bomarsund, they had to go through a very difficult passage, and it was necessary to obtain proper soundings in order to be prepared for the attack. The French troops arrived on the 30th of July, but the stores did not come until the 5th of the next month. He would show the House, however, that no time was lost. By extreme exertion the troops were transshipped on the 7th, and carried up to Bomarsund on the 8th; they were landed simultaneously on two places, one to the south, and the other to the north. On the 10th they landed the ships' guns, thirty-two pounders. On the 15th Bomarsund was taken. Now it would have been very easy, and perhaps, the people of this country would have been better pleased, if he had run his ships into Bomarsund and lost a considerable number of men, and perhaps a few ships. But the best answer to that would be found in the following letters, showing that the Government approved of the course he took. The right hon. Baronet wrote to him, and said—

"Having laid before the Lords of the Admiralty your dispatch, I am commanded by their Lordships to express their satisfaction at receiving this intelligence, and to state that they cordially approve of the orders you issued on this occasion."

The right hon. Baronet himself wrote in the following terms—

"I congratulate you sincerely on the success of your operations before Bomarsund, and I highly commend your prudence and wisdom in effecting the capture of this stronghold of the enemy, without the loss of a ship, or of many lives. You have judged well in every respect, both in detaining the line-of-battle ships and steamers, and then in sending them home laden with prisoners."

And on the 25th of August, three days later, the right hon. Baronet again wrote to him as follows—

"I am more than satisfied with your proceedings.

"I am delighted with the prudence and sound judgment which you have evinced. It would have been a miserable want of firmness had you yielded to clamour, and risked your ships, and sacrificed many valuable lives, in an attempt to destroy, by naval means, works which were certain to fall in an attack by land.

"Your reasoning also, in favour of the immediate and entire destruction of the forts at Bomarsund, is irresistible, and I hope you will take care that the destruction is complete, and that not one stone is left upon another.

"I am well pleased also with the promptitude with which you have sent back the line-of-battle ships and steamers. The work has been well done, and I gladly give you the utmost credit for it."

The Secretary to the Admiralty also wrote him to the same effect. Now these were the whole of his commendations, and it was right to say of his operations, that up to this time they had been highly approved of by the Board of Admiralty, as well as individually by the right hon. Baronet. Subsequently to the capture of Bomarsund, the French General and himself again examined Sweaborg, and the result of that examination was a conviction on the part of the French General, the Admirals, and himself, that they had not the proper means of attacking so formidable a fortress, as they had neither gun nor mortar vessels, and the season of the year was so far advanced. General Jones, however, was not of that opinion. He thought that by landing 5,000 men on the island of Bak-Holmen, throwing up works, and then making a simultaneous attack with the fleet, it might be reduced in seven or eight days. General Niel, the French General of Engineers, was of a different opinion. He thought that it might be knocked down in a couple of hours by seven or eight sale of the line, but he thought that such an operation would be very hazardous; it had never been attempted, and it was not his province to recommend it. In addition, the Emperor had sent orders to Marshal Baraguay d'Hilliers to withdraw the French army after destroying Bomarsund, and he (Sir C. Napier) had received a dispatch from the Admiralty to begin the gradual withdrawal of the fleet, by sending home the three-deckers and the slowest sailers, leaving the Gulf of Bothnia open to the southward, and making that his first halting place. Well, any one reading the document to which he had referred would naturally conclude that it was an order to him to send home the bad sailing ships and the three-deckers; and, for himself, he thought the order was a judicious and timely one, because, though it was only the month of August, yet the month of August in the Baltic was like the month of November in England. But when it was known in England that the French army were coming home, meetings were got up all over the country, and blame was thrown upon the Government because Sweaborg, Cronstadt, and Sebastopol were not taken, and then, he supposed, the right hon. Baronet got alarmed, and looked round to see whom he could throw the blame upon, and he (Sir C. Napier), being the weakest, was selected. He received an order to hold a council of war to inquire whether any further operations could be attempted. Now, nobody ever heard of a council of war fighting. The French Marshal and his army were gone, and the council was therefore limited to the allied Admirals. They all met on board the *Duke of Wellington*, and it was unanimously decided by all the officers present, that at that season of the year they had no means of making a successful attack. The right hon. Baronet, the descendant of John of the Bright Sword, felt his northern blood begin to boil, and he forgot the consummate Commander in Chief—he forgot his dear Sir Charles—he forgot the great satisfaction he had felt at previous arrangements—he forgot that only a few weeks before he had said Sweaborg could not be attacked with less than 200 gunboats and 50,000 men, and now he wanted Sweaborg to be attacked by three sail of the line. He also forgot the instructions which he (Sir C. Napier) had received, as would appear by the following letter—

> "I am commanded to acquaint you that your instructions are not to control your discretion as to any joint operation; it is your duty not to undertake any operation which your own judgment does not entirely approve."

Would the House believe for a single moment that the same right hon. Gentleman who could tell him so short a time before that he was to avoid granite walls, that he was on no account to risk Her Majesty's fleet, that Sweaborg could not be attacked with less than 200 gunboats and 50,000 men—would the House believe for a single moment, that the right hon. Baronet was serious in asking him to attack Sweaborg with eight or ten sail of the line? But he was not serious. A commotion had been got up in this country, and the Government had fixed on him (Sir C. Napier) to bear the blame. But it was a mere flash in the pan—an attempt on the part of the right hon. Baronet to cover his own political cowardice.

On the 5th of September the French Minister in London applied to the Admiralty for steam vessels to tow the French ships home, and notwithstanding that at that date such an application had been made, the Admiralty, on the same day, sent an order to him to take counsel again with the French Admiral and a Marshal of France to take into consideration General Jones's plan. General Jones went up with the French General of Engineers, and looked at Sweaborg, and he was of opinion that they could land 5,000 men upon the fortified island within pistol-shot of Sweaborg, having a garrison of 20,000 or 30,000 men, with a Russian fleet lying in the passage between, almost touching each shore, with eight sail of the line in the harbour of Sweaborg, covering the whole of the island, with 6,000 or 7,000 men beside the garrison—in the face of all these difficulties General Jones proposed that a landing should be made. Now, he would put it to any naval or military officer, whether it would have been safe to have acted on any such plan. He maintained it would not have been safe. If he and the French Admiral had been fools enough to have attempted any such thing, the weather being so bad, they could not have hoped to effect a landing, or to get up the guns and stores; but even if they had succeeded in doing these things every man Jack of them would have been killed or taken prisoners. There could not be the slightest doubt of it. The French General laughed at the idea; but a council, however, could not be called, as the French army had left. Not being satisfied, the Admiralty sent out another order, and General Niel, the French General of Engineers—a very clever man, and one of the first engineers in France—made a report to Marshal Baraguay d'Hilliers, in which he opposed the plan of attempting to make a landing with 5,000 men, but was of opinion that the broadsides of eight or ten sail of the line anchored abreast of Sweaborg—a place stronger than Gibraltar, and, according to the reports of officers who had seen Sebastopol, much stronger than even that fortress—that such a naval force would be able to knock it to pieces. But General Niel, like a sensible man, however, added, that ships were easily hurt, and easily burned, and that such a desperate attempt had never yet been made, that he had heard of, and it was not his province to recommend it. Now, that was condemnatory of the whole thing, and it would not have been wise, therefore, to have made the attempt. The French Admiral felt exceedingly indignant at being asked to reconsider his opinion. Having once given his opinion, he thought it was improper in the First Lord of the Admiralty to ask him to reconsider his opinion, and the opinions of General Niel and General Jones. He (Sir C. Napier) endeavoured to pacify the French Admiral, who said, that having already given his opinion of the utter impossibility of success, he would not make the attempt, lest, failing, he should be reproached with having acted against his previously expressed opinion. The right hon. Baronet the First Lord of the Admiralty was still full of fight, and he wrote to say that the British steamers in fine weather might have been better employed than in towing the French ships home. What was that fine weather in September? Why, the ships were pitching, bows under, in a heavy gale of wind for five days, and the French Admiral's ship had three cables out. On the 30th of August the French Admiral was ordered to return to Cherbourg, and the English Government was informed of that order; yet, on the 15th of September, the First Lord of the Admiralty seemed to be ignorant of it, for in the letter the First Lord of the Admiralty addressed to him the hope was expressed that he (Sir C. Napier) would be able to consult with the French Admiral, and that of the eight or ten sail of the line that would be required, the French Admiral could no doubt risk the half; and further, that the First Lord took for granted volunteers would not be wanting. Now, he (Sir C. Napier) would ask if any one ever heard of the Admiralty asking whether volunteers could be found in any matter which the Admiral determined upon doing. The letter of the First Lord then referred to the sending home of small ships, aud stated that no further orders would be sent till it had been ascertained whether the French fleet would winter in the Baltic. Now, he (Sir C. Napier) knew the French fleet would not winter in the Baltic. But there was no end of plans sent out; one was to get two dredging machines to send to Sweaborg to open a passage, and it was calculated they would be able to raise 15,000 tons of rubbish. Now, what was the wise suggestion of protecting those machines? Why, they were to use them under cover of fog and smoke, just as if he knew when there would be fog. There was another suggestion about taking possession of one of the islands —the Island of Dago—and whether it was not possible, when winter came on, to blast the ice in the Baltic to prevent the Russian troops marching over. Such an idea was preposterous. He was also told he could winter in the Baltic, and anchor anywhere in any weather; but the Baltic was 80 or 100 fathoms deep in some places. The French Admiral, becoming indignant, stated that he would not change his opinion, and left on the 19th of September, and on the 20th sailed to Nargen to make a survey. On the 23rd orders came out for him (Sir C. Napier) to consult with the French Admiral as to the ships that should be sent home. On the 26th the right hon. Baronet wrote to say that the steamers and the three-deckers, however, were not to be sent home. The French Admiral, however, had gone, and had sent home his sailing ships, and he (Sir C. Napier) had also sent home the sailing ships.

Well, the Admiralty got frightened again. Their Lordships did not know what the right hon. Baronet had written; they had forgotten the orders of the 12th and 23rd of September, and by the same mail the right hon. Baronet had ordered him to send the sailing vessels home, the Board desired him not to do so. But they were already gone; and on the 2nd of October they wrote to him, reproving him for not obeying orders. That showed how they managed matters at the Admiralty. He set once more to work, and reconnoitred Sweaborg again. On the 23rd he reconnoitred it in the *Driver*, commanded by Captain Sullivan. He found the passage to be little more than a quarter of a mile wide, and the fortifications appeared like batteries heaped one upon another. A three-decker lay in the neck of the passage. In addition, there was a reconnoisance made by Captain Sullivan, when in with a flag of truce; and he (Sir C. Napier) came to the conclusion that General Niel could only have seen a part of the fortifications. [The hon. and gallant Member then referred to the report which he had already made to the Admiralty, pointing out the very great danger which would attend any attack upon Sweaborg made by ships alone.] Now, the House could not help seeing that he had communicated his opinions to the Admiralty on that point, as well as to the inadequacy of the means as to the state of the weather. He, at the same time, pointed out what plan should be adopted in the event of the attack being made, and he certainly did hope that the Government would have given him credit for the plans he had communicated. How it came about, he could not tell, but he received no answer till about a fortnight after. That letter then addressed to him was dated the 4th of October, the day on which the hoaxing statement arrived in London of the fall of Sebastopol, when the people were all wild with excitement. The letter stated that his reconnoissance of Sweaborg had given rise to serious considerations at the Board, as he had stated that troops might be employed with the ships, but that he had not said that troops were indispensable. Now he (Sir C. Napier) would say that such a statement on the part of the Admiralty was at variance with the truth, for he had stated, that to attack Sweaborg with ships alone would not do, but that with gunboats and mortar vessels, it would be laid in ruins. The letter also stated that there was reason to believe that the French fleet would be ordered to rejoin him, but he could not believe that the sea Lords of the Board would have thought of sending the French and English fleets up the Gulf of Finland in October, for if they were so sent up, he had no hesitation in saying that none of them would ever come back again. The letter went on to observe that he complained of making an attack at the advanced period of the year, but he was told he might choose his own day, and take advantage of fine weather. He was told by that communication that he was to choose his day, forsooth—some sunshiny day, he supposed—when Cronstadt was frozen over and Sweaborg open. Here were pretty instructions for an Admiral! If, during the summer, that goading letter had been sent to him, instead of repeated admonitions to be cautious, he would not have hesitated for a moment to go into Sweaborg, let the consequences be what they might. But he was convinced that it would have been a piece of insanity for him to have attempted it then; and even now, he could scarcely believe that such an instruction ever emanated from the Board of Admiralty. If it had, all he could say was, that that Board was utterly unfit to conduct the naval affairs of the country. That goading letter was written immediately on the first report that Sebastopol was taken, and a more disgraceful communication was never written to a British Admiral. He received at the same time a letter from the right hon. and gallant Officer opposite (Sir M. Berkeley), but as he did not consider himself justified in reading it without his permission, he would only read his (Sir C. Napier's) reply to it. His reply was, in substance, that it was impossible to attempt Sweaborg in the heavy gales then prevalent, and that the opinion he then gave was shared by the French Admiral. He also added, that it was unjust to cast upon him the responsibility which the writer and the right hon. Baronet (Sir J. Graham) had attempted to throw upon him. Immediately after the receipt of that goading letter, in which he was told to lay Sweaborg in ruins, he wrote to the Admiralty to say that, in his opinion, Sweaborg ought not, under any circumstances, to be attacked by the fleet until it had been bombarded for a day or two with mortars, shells, and rockets, and that after that time, the ships might go alongside, and finish the work. He mentioned that he had been told that he might choose his day for the attack, but that there had been no day since he got their letter upon which he could have ventured to attack the place without the almost certain loss of the fleet. He also stated his opinion that no man in his senses, who knew anything about his business, would venture an attack upon Sweaborg with large ships without a previous bombardment of two or three days.

He had already shown that on the 4th of October the Government received the first news of the fall of Sebastopol. On the 9th of October the news turned out to be a hoax. What did they do then? They did not wait for his reply, but immediately sent off a telegraphic message that the French and English ships were to come home, and that Sweaborg was no longer to be attacked. During the time the fleet lay at Nargen there were constant gales, and the right hon. Baronet thought the ships might have tried their long guns at vertical firing, as if they were mortars. The right hon. Baronet was, doubtless, a great gunner, but it was a pity he had not been at Shoeburyness and got a lesson in gunnery before he ventured to instruct a British Admiral how he was to use his guns. The ships, however, were ordered home, but before they left, several of them, English and French, struck on sunken rocks, and lost their cables or anchors. His reason for not attacking Sweaborg was, that it could not be taken at that time without the loss of the fleet. The Admiralty, however, chose to put a different construction upon his letters, and wished to make it appear that he had been adverse to attempt to take Sweaborg, whereas, what he had all along said, and what he still maintained, was, that no sane man would attempt to do so without a previous bombardment of the fortress with mortars, shells, and rockets. After this the Board of Admiralty sent him a long jesuitical letter of twelve pages, which could only have been written by the right hon. Baronet himself; for no one else could possibly have penned such a production. In that letter the Admiralty threw the whole blame upon him for not attacking Sweaborg after the fall of Bomarsund, but he entreated the House to remember that, previous to that event, which occurred in May, he had never seen Sweaborg. All he had seen was a plan of Sweaborg by a Swedish engineer officer, and he then expressed his opinion, that if the plan was correct, it was impossible to take the place without a previous bombardment. The Admiralty, however, chose to suppress the conditions which he had attached to the taking of Sweaborg, and made it appear in their correspondence as if he had declined altogether to attack the place. The plans of Sweaborg forwarded to him from the Admiralty also convinced him that the place was unassailable without a heavy bombardment. It was quite true that he had said 10,000 men could not take Sweaborg, and he remained of that opinion. On the 27th of October he wrote to the right hon. Baronet, telling him that the French General had withdrawn his troops, and that, in consequence of a continuance of bad weather, the fleet would, in all probability have been lost amid sunken rocks if they had attempted to have attacked Sweaborg. The House would see that a brigadier general of engineers wanted to land 5,000 men to attack Sweaborg, with a garrison of 30,000 or 40,000 men. Why, that would have been worse than even the landing at Old Fort, when the commanders were totally ignorant of the country. Abo was the only place that was open to attack at that time; but the cholera was raging there, the harbour was land-locked, and two or three steamers, sent to explore the navigation, ran on the rocks. The French general, finding such to be the case, refused to have anything to do with it, and took away his men. It had been said by General Niel, in reference to the contemplated attack on the fortress by the ships, that it was *très hardi,* that was, "very desperate." Now, how did the right hon. Baronet translate that term? The right hon. Baronet could surely speak French; yet the right hon. Baronet wrote to him, that, in his opinion, the place ought to be attacked; and that was the right hon. Baronet's mode of translation. Now, he must say that the First Lord of the Admiralty had, in order to make a report in his own department, so translated it. He (Sir C. Napier) had shown by documents, that Marshal Baraguay d'Hilliers had been ordered to sail on the 5th of September, and that, although the Lords of the Admiralty knew that the French fleet had sailed, they yet wrote to him stating that "they considered that the English and French fleets should unite for the purpose of attacking the place." The right hon. Baronet then wrote to him expressing himself very sorry that he (Sir C. Napier) should come under displeasure in his correspondence with the Admiralty; and his opinion that he had brought it all upon himself; that the report which he had sent home appeared to be conflicting with the opinions which he had previously expressed; and that he was convinced that if he (Sir C. Napier) had had mortars and Lancaster guns, he must succeed. The right hon. Baronet went on to say that the Admiralty had not sent him their plans, in consequence of his having declared to them, in his report, that it would be impossible to take the place. He, however, thought it possible for him (Sir C. Napier) to have attacked the place by vertical fire, with long guns. Now, there was a First Lord of the Admiralty! "Attack the place," said he, "by 'vertical' fire!" The right hon. Baronet then went on to say that "he was exceedingly sorry that he (Sir C. Napier) was unwell." Why, who made him so? To that letter of the right hon. Baronet he wrote an answer expressive of his belief that there was not a word in all his correspondence with their Lordships which was intentionally calculated to give offence; but that, if their Lordships were anxious to convict him, he was quite prepared to justify himself; that he had documents enough to prove the correctness of all that he had stated in his reports to their Lordships. Their Lordships seemed to forget that Sebastopol, with the aid of an army of 50,000, could not be taken by the fleet. He had gone through the world hitherto with a character unimpugned and unimpeached, and with honour and justice; and was now, just as he was about to leave it, assailed by the right hon. Baronet, and by those Lords of the Admiralty over whom he presided as the First Lord.

He had now gone through and finished his correspondence with the right hon. Baronet; and he would next refer the attention of the House to his correspondence with the Lords of the Admiralty; and he would show the House, that a full report which he had sent to the right hon. Baronet, in reference to the defensive condition of Sweaborg, and which the right hon. Baronet had acknowledged, had never been laid at all before their Lordships by the right hon. Baronet. In the letter written to him by command of their Lordships, it was intimated to him, that their Lordships could not misinterpret anything that might appear to him to require explanation in his letters. Now, he admitted, that in the letter to which their Lordships had thus referred, some things might require explanation, and not be very agreeable to their Lordships; but he had been provoked. The Admiralty had written to him, making certain accusations against him, which were unfounded; but instead of so writing to him, it would have been more honourable in the Admiralty to have apologised to him for the unworthy and unbecoming manner in which they had treated him. He did not like to use very hard words—and the present was not the time to accuse a Minister of high treason—but he must say that it appeared to him that the then First Lord of the Admiralty was never serious at all with respect to the Russian war, because the right hon. Baronet wrote to him in the summer to abstain from attacking Sweaborg at all; and in the winter, when that season had come on, the right hon. Baronet, forgetting what he had written in the summer, wrote to him in a tone actually goading him on to attack the place. Why, the fleet would have been lost had he done so. Now, if the Emperor of Russia had written to him, he would have just directed him to act in the manner in which the right hon. Baronet had directed him, and have endeavoured to induce him to attack the place. Now, that finished the whole of his correspondence with the Admiralty; and he must say that they had endeavoured to stop his mouth in relation to his position in the affair, and the manner in which he was treated. [The hon. and gallant Member then described his sailing to Kiel, and the difficulty of the navigation at the period of the year, together with the character and nature of the ships which he had under his command.] When he arrived in England, he went at once to pay his respects to the First Lord of the Admiralty (the right hon. Baronet); and he must say that a more sneering manner —a more offensively sneering manner than that in which he had been received by the right hon. Baronet, he had never had experience of in his life; and he must own that it was with the greatest difficulty that he kept his temper. The right hon. Baronet said to him, in effect—"You may say what you like, I will make no reply to you." He (Sir C. Napier) saw from that moment that the right hon. Gentleman was preparing to attack him; and when he went back to Portsmouth, he was ordered to haul down his flag; and he could not say that he was sorry for it, for he never would have served again under the right hon. Baronet the First Lord of the Admiralty. He wrote to the Admiralty, commenting upon the manner in which he had been treated, and inquiring whether the order thus given to him was with their knowledge, and he received an answer in the affirmative. He would not now go into statements respecting matters which he had already touched upon; but there was a great deal of the past repeated. He might, however, inform the House that, after a few days' reflection, the Lords of the Admiralty had written him a letter, thanking him for "his services;" and he received a further communication from their Lordships, in reply to one addressed to them by him, stating that their Lordships, although not satisfied with him, had only to repeat that no censure had been passed upon him in reference to his conduct in command; and intimating to him that their Lordships had already expressed their sentiments on the manner in which an officer in command of the fleet, and of his high rank, had conducted himself. Further, that their Lordships did not feel themselves at liberty to enter a second time into a discussion of the reports; and still less of former documents, which were not laid before them; and their Lordships went on to say that they did not consider an inquiry into his conduct was necessary. Now their Lordships' praises of him, from the time he first entered the Baltic, were most lavish, yet their Lordships accused him of having left England without orders, and that after praising him, not only on their own part, but through the Secretary of State for Foreign Affairs; and notwithstanding those praises—notwithstanding the previous praises of the First Lord of the Admiralty, of the manner in which he had conducted himself in relation to the operations of the fleet under his command—they now told him that "he had left England without orders." Now, was it likely, he asked the House, that he could, after the praises they had bestowed upon him, have treated them with disrespect? But, from that time, they began to accuse him, in implied, if not in express terms, of "cowardice." Yes, their accusation amounted to cowardice; and, under the annoyance of such treatment, he could not refrain from expressing himself strongly. He did not find fault with the Admiralty for removing him from the command of the fleet; that was not his complaint; his complaint was on different grounds; for while he considered that his Sovereign, the Queen, had a right to choose and appoint whom she pleased to command the fleet, he had yet a right to complain of their Lordships having written to him in such a manner as they had, throwing the whole blame of the ill-success of the expedition on him; but he was happy to say that, in that, they did not succeed.

He had now done with the year 1854, and he would not detain the House long with reference to what took place in 1855. The House had seen that he recommended a large fleet to be sent out in that year to the Baltic. Well, the fleet was sent out under another admiral, but it would be recollected that he (Sir C. Napier) recommended a large fleet of gunboats to be sent out also. Now, he did not blame the Admiralty for what occurred in 1854; but he must say that, after they had, in 1855, received information from him of the manner in which Cronstadt could only be taken, they should have sent such a fleet out to the Baltic as he had advised, and that the Government, in not having done so, had been guilty of the greatest neglect. The Government sent out to the Baltic, as well as he recollected, sixteen gunboats and sixteen mortars in 1855. Now, was that a force of guns with which they could expect to attack Cronstadt or Sweaborg successfully? There was no excuse whatever for want of time, because it appeared, the other day, that mortar-vessels were got ready in about three weeks—and the Government had ample time to get the gun and mortar boats ready after they had been recommended to do so by him; but instead of doing as recommended, they sent out only sixteen gunboats and sixteen mortars. Now, what the instructions were that had been given at the Admiralty he did not know; but it was very clear that no instructions could have been given to go and attack and take Cronstadt or Sweaborg with such a fleet—and, as it appeared, they went out to Cronstadt, and spent a very consider-time in examining it. Why, they ought to have known that Cronstadt could not be successfully attacked with a fleet thus inefficiently prepared, and they ought also to have known that Sweaborg could not be attacked and taken by such a fleet. Why did the Admiralty send out only sixteen gunboats and sixteen mortars? And what was the fact with regard to the fleet sent out in 1854? Why, that it was sent out without mortars or gunboats to attack and take those fortresses. Now, he must say that unless they had a large force of mortars and guns, it was impossible to attack Sweaborg with any probability of success. And if the Government thought otherwise, why did they not make the experiment? Now, during the whole of the time that he had been in command, not a single vessel had been sent out to Cronstadt with either gunboats or mortars, and he begged to call the attention of the House to what occurred to the mortars that had been subsequently sent out. It had been said that the mortars had split in the course of being discharged, and that their splitting was caused by the badness of the material of which they were composed; but that was not the case; the mortars split, as the result of the rapidity with which they were fired. Now, he must say that the Admiralty would, in his opinion, have been wrong, if they had directed the fleet to be taken in there in a state so inefficient for the purpose; and that, after the example of 1854, the Government ought to have sent into the Baltic as large and effective a force as they possibly could. They ought not to have hesitated about money or a question of expense in such a matter—and his belief was, that if the same exertions had been made in 1855 as in 1856, the war would have been put an end to before now, and finished with glory to the British arms and nation. But those exertions had not been made in 1855. Sweaborg, with efficient preparations, might have been taken; but as to Cronstadt, with such preparations as they had hitherto made, he had no hope in their attacking such a fortress successfully. He hoped the House would see that he had told a plain tale; and he thought that they must see that the Admiralty had treated him in a most scandalous manner—in a manner not worthy of them, and not creditable to the right hon. Baronet the then First Lord; and he must say that, in his opinion, some notice ought to be taken of such treatment, in order to prevent a recurrence of it. He regretted that two Lords of the Admiralty could have put their names to such offensive letters as had been written to him; and he must say that he was sorry to see the name of Sir Maurice Berkeley signed to one of those letters. He had now told the House all he had to say, and if he had used any language which he ought not to have used, he was very sorry for it, but he trusted no danger whatever would result to our military operations, and that nothing would be compromised by the statement he had made; and he could not see why the Government should not give him the Committee which he asked for. A Commission had been appointed to inquire into the conduct of two general officers who were noblemen, whose character had been impugned by two Commissioners appointed to inquire whether they were right or wrong. He, too, had a right to expect that a proper inquiry would be instituted; and that, if he had not done that which was right, he ought to be punished, and the only way in which that could be ascertained was by the appointment of a Committee to inquire into the operations in the Baltic in 1854 and 1855. He had now told his tale as well as he could, and must leave his case in the hands of the Government and of the House; and he trusted that, in the answers which might be made to him, they would act with justice and fairness, and that the statements they made would be borne out by sufficient documents. He hoped there would be no special pleading, but that the whole truth would be told; and having said so much, he thanked the House for the great attention with which they had received his statement. He trusted they would give him a Committee.

Admiral WALCOTT: Sir, I cannot see a brother officer adrift without throwing out a tow-rope to him. No one seemed inclined to second the Motion of the hon. and gallant Admiral; I will, therefore, perform the office. In expressing my opinions, I can assure the House I am actuated by no ungenerous feelings, but I must observe, that, whatever may be the amount of reprehension which the gallant Admiral or the right hon. Baronet the late First Lord of the Admiralty may have met with at the hands of the people of this country, they have justly incurred that blame, because it was their bounden duty to have possessed themselves of more accurate information with respect to the nature of the operations which they were called upon to conduct in the Baltic. The intricacy of the navigation in that sea, the difficulty of access to its harbours, and the strength of the fortifications on the shores of Russia, ought to have been known to both. Both were seriously to be blamed; the right hon. Baronet the late First Lord of the Admiralty for not having provided suitably and sufficiently for the efficiency of the fleet which was sent into those waters, and the gallant Admiral, for not having insisted on being furnished with a fleet adapted to the services which he was called on to perform.

We have heard much remark on the subject of the speeches at the Reform Club. I, for one, am not disposed to comment with undue severity on after-dinner speeches, or attach much importance to their substance; but it is only too true that throughout the country their consequence has been that expectations were raised which there was good reason to believe were incapable of fulfilment. I cannot countenance the signals made by the gallant Admiral, so calculated to mislead public opinion.

A force of gunboats was wholly indispensable to achieve the success which was contemplated; yet none were provided by the Government at the commencement of the war. I was in the Baltic in the years 1808 and 1809, and I may be permitted to give hon. Members some idea of the description of vessels which were necessary to carry operations to a satisfactory issue in that sea. During that period the boats of the *Bellerophon* attacked some batteries on Hango Head, and completely destroyed them. An attack was also made by the boats of a squadron under the command of that clever and intrepid officer, the late Sir Byam Martin, upon a flotilla comprising gunboats and a large armed vessel, which was convoying twelve ships laden with powder and provisions: with the exception that one gunboat escaped, the success was complete. A third instance occurred, when Captain Forrest, opposing an inferior force to that of the enemy, with the boats of his squadron cut out three gunboats. It is, therefore, perfectly clear that much might have been effected in the Baltic in 1854, had attention been paid to the equipment of a proper force, and the fleet been enabled by such means to cope with those difficulties which it was destined to meet.

If the only duty which devolved on the gallant Admiral consisted simply in maintaining a close blockade in the Baltic, then he has adequately done it. The country, however, had expected more, and the means should have been provided. Reflections have not rarely been made in this House on the conduct of the Russian fleet. It has been said that it was afraid to venture out of harbour to engage our ships in a fair fight. I cannot concur in the justice of such remarks. To my mind it would have been a signal act of imprudence and wrong judgment for the Russian admirals to have adopted such a course. Their fleet was composed of sailing ships, which it would have been the height of rashness to have opposed to the force under our flag, which numbered, as it did, many steamships of the line, while, from confinement within their harbours, the enemy's seamen had been unable to obtain any practical experience in their profession. The conduct of the Russians in the defence of Sebastopol refuted such an imputation, and has shed lustre on their arms. This tribute to gallantry I cannot withhold, even when it has been displayed by an enemy.

With regard to the best means of promoting the efficiency, both of our fleet and army, it is the bounden duty of every Government to make a selection for either service of those officers only, on whose skill, courage, and judgment they have reason to place full reliance. That done, it is equally incumbent upon them to repose in those officers the most complete confidence, and thus to follow out the immortal maxim, uttered by one of the most competent authorities on such a subject, the Emperor Napoleon, "Let the men of the sword be made to depend as slightly as possible on the men of the pen." What has occurred in the course of the present discussion during this evening reminds me of a farce, which about a century since was produced in the capital of our witty and clear-sighted allies. In the course of the piece an English courier entered on the stage,—his appearance was remarkable, he had a protuberance ahead and a similar addition astern. It naturally attracted the attention of the commanding officer, another character in the play, who immediately challenged him—"What do you carry there in front?" "Your orders, sir." "And what behind?" "Your—ah, yes, your counter-orders, sir." "Phew!" exclaimed the unhappy officer, "then it is all over with me!" Perplexity, incertitude, and difficulties must prove the inevitable consequences of an accumulation of orders and counter-orders upon an officer charged with the performance of critical duties. A First Lord of the Admiralty has, no doubt, a perfect right to issue secret orders to that officer: but afterwards to make such communications subserve his own purpose, and deny the same privilege to the officer, is as unquestionably to fail in justice and honourable conduct.

The gallant Admiral has, in my judgment, therefore, acted rightly in submitting his own case to this House. I could entertain but a mean opinion of any man who did not value his reputation and a favourable verdict by his countrymen as more precious than life. The discussion which has arisen on the hon. and gallant Member's Motion, I am happy to think, will place the conduct of the navy in a more advantageous light before the eyes of the country, and vindicate its character. The services which were rendered by the Baltic fleet, both at Bomarsund and Sweaborg, were eminently meritorious, and carried out to the extent of the means at its disposal. As regards the Black Sea fleet, it was no slight service which transported 100,000 men over 3,000 miles of a dangerous sea without the loss of a vessel, or, still more, of a single life. It is quite unnecessary to remind hon. Members of its achievements at Kertch, and Kinburn, and in the Sea of Azof. The attack upon the stone batteries of Sebastopol, in which the historic *Agamemnon* was led into battle and placed in position with a daring and skill worthy of the great Nelson, was an event replete with glory to the naval service. No less important was the hemming in of the Russian fleet within the harbour of Sebastopol; when, like a scorpion begirt with swiftly-closing fires, they had no alternative between destruction by their own weapons, and annihilation by those of the enemy; and their own hands in despair lit their funeral pile. Such deeds cannot fail to influence the opinion of the country; and as this discussion has served to advance them more prominently before the public, I am more especially glad that it has been raised; only I must regret that the services of many eminent naval officers have not received that meed of reward which is their due.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the operations of the British Fleet in the Baltic in the years 1854 and 1855."

Sir CHARLES WOOD: Sir, the hon. and gallant Officer who has brought forward the Motion seemed to anticipate that I intended to make an attack upon him. I rise, Sir, with no such intention, but I cannot refrain from expressing a strong opinion as to the impropriety of the course he has taken in reading extracts from despatches and private letters, containing the confidential opinions of officers of this and other countries, to a greater extent than, after a quarter of a century's experience in this House, I have ever seen done before. I expressed a similar opinion as to the somewhat similar course which the hon. and learned Gentleman opposite (Mr. Malins) pursued last Session, though to a very limited extent. I think the House concurred in that opinion, and, in deference to the general feeling of the House, the hon. and learned Gentleman withdrew his Motion. I am extremely sorry that the hon. and gallant Officer has now taken a course which I cannot but consider as being most prejudicial to the public service. I shall carefully abstain from referring to any one of those documents, and although it will perhaps be necessary for the right hon. Baronet (Sir J. Graham) and the right hon. and gallant Admiral near me (Sir M. Berkeley) to refer to them to some extent, in vindication of their character, I hope they will make as little reference to them as possible. It is indispensably necessary that private and confidential correspondence should take place between the First Lord of the Admiralty and officers employed on service. In my short experience I have found such communications of the greatest advantage, but it is obvious that if either party be at liberty to produce them in this House, without the leave of the other party, there must be an end to all confidential communication for the future, and without such communication I will venture to say that the public service of the country cannot be advantageously carried on. Having made these remarks in reference to the course taken by the hon. and gallant Officer, I hardly know what more I am called upon to say in answer to his Motion. It is not enough for the hon. Gentleman or for any other Member simply to ask for a Committee; he is bound to state some sufficient ground for its appointment, and I appeal to any hon. Gentleman who has heard the speech of the hon. and gallant Officer who made the Motion, or of the hon. and gallant Officer who seconded it, to say whether the slightest ground has been assigned for appointing a Committee to review the Baltic campaign of 1854.

Admiral WALCOTT: I did not enter upon that point, nor did I express my intention as to the vote which I should think it right to record; for it must depend upon the reply of the right hon. Baronet the Member for Carlisle.

Sir CHARLES WOOD: I beg the hon. and gallant Officer's pardon, but when an hon. Gentleman seconds a Motion in this House, it is always implied, at least, that he thinks the Motion is one which ought to be granted. If the hon. and gallant Officer had not seconded this Motion, it would have fallen to the ground. I am glad, however, that the hon. and gallant Officer does not approve it, but only seconded it, as he expressed himself in not very complimentary terms, because he saw the hon. and gallant Admiral "adrift." I entirely agree with him that it is very desirable not to allow men of the sword to be subjected to men of the pen, and I think it is also desirable that the conduct of men of the sword should not be subjected to the investigation of Committees of this House. There are many things into which a Committee of this House may properly inquire, but it is certainly not a tribunal competent to decide upon the conduct of naval or military officers. If the hon. and gallant Admiral chooses to move a vote of censure upon the right hon. Baronet (Sir J. Graham), who, he seems to think, has been guilty of little less than high treason, it is perfectly competent for him to do so; but I would put it to the House whether—setting aside the extracts from correspondence which ought never to have been read—a single ground has been assigned for an investigation before a Committee? The hon. and gallant Admiral's conduct has not been publicly censured—quite the contrary; but he has hauled down his flag on returning from service, as Admiral Dundas has hauled down his flag, and as other officers have hauled down their flags in previous years. [Sir C. NAPIER: But my treatment was very different.] An attack was made upon the conduct of the Baltic fleet in 1854, during the discussion of the Navy Estimates last year, and the right hon. Baronet the Member for Carlisle then expressed in pretty strong terms the approbation with which the Government of 1854 regarded what had been done by that fleet. It was not the fault of the Government that the hon. and gallant Officer did not receive an accession of honour with other officers of the fleet which he commanded, and he stated himself that he felt it would be impossible for him to be appointed to the command of the fleet in 1855. Besides, I do not think the House would deem it at all desirable to permit a Committee to interfere with the Admiralty by saying what officer ought or ought not to be appointed to any particular service. If the Admiralty is to be held responsible, as it ought to be, for the appointment of officers to commands, that responsibility ought not to be interfered with by this House. I have a further observation to make upon the hon. and gallant Admiral's remarks with regard to the operations of 1854, in vindication of the character of as honourable and gallant an officer as ever served —I mean General Jones. The hon. and gallant Admiral was not justified in the observations he made upon General Jones, whose skill and gallantry have never been wanting to his country whenever they could be employed in its service, from the storming of Badajoz, where he led the forlorn hope, to the present day. The hon. and gallant Admiral criticised the operations of 1855, and said he could not understand why half the fleet was left at Cronstadt, while the rest was employed upon the bombardment of Sweaborg. But the hon. and gallant Admiral talked a great deal in reference to the operations of 1854, of the immense force of the Russian fleet at Cronstadt, and of the danger that might arise from allowing it to come out. The same danger existed in 1855, and while a portion of the fleet was employed at Sweaborg, it was absolutely necessary for another portion to remain off Cronstadt, to prevent the Russian vessels from sallying out and attacking our cruisers in the Gulf of Bothnia. Admiral Dundas was left entirely to the exercise of his own discretion; he was of opinion that it was necessary to leave a strong force at Cronstadt, and he acted upon that opinion with the full approbation of the Admiralty. With regard to the mortar vessels, a greater number was sent to Sweaborg than was necessary for its destruction. It is true that the mortars turned out to be of an inferior quality. The mortar that stood the best was an old mortar used in the last war, which fired 300 rounds, and those that failed were of the more modern and recent constructions, some of which failed after firing 100 rounds, being far below what they were expected to bear. If I thought the honour of the British Navy likely to be imperilled by the refusal of this Committee, as the hon. Member for Christchurch said, I would not oppose it, but I do not think the appointment of such a Committee necessary for its vindication. I have on former occasions expressed a strong opinion that, although the officers of the British Navy have not had such opportunities of distinguishing themselves in the present war as they enjoyed on former occasions, yet that greater zeal and greater gallantry never were displayed at any former period of the history of the Navy than have been shown, so far as opportunity permitted, by all ranks in the service, from the admiral down to the cabin-boy. In these circumstances, when no public ground has been stated by the hon. and gallant Member for appointing a Committee to criticise the operations of officers of the British Navy—when the hon. and gallant Member who seconded the Motion does not seem to think it right that such a Committee should be appointed—I trust the House will unanimously agree to reject a Motion, for which no ground has been stated.

SIR JAMES GRAHAM: Sir, the House must have observed the difficulty experienced by the hon. and gallant Member for Southwark in finding a seconder for his Motion. The hon. and gallant Officer on the third bench (Admiral Walcott), with that generosity which belongs to his profession and to his personal character, said he could not bear to see a brother officer adrift and in distress and not throw him out a tow-rope. Sir, if the hon. and gallant Member for Christchurch had not come to the assistance of the hon. and gallant Member for Southwark, my impulse would have prompted me to second his Motion; for, after all that has passed, I am very glad to have the opportunity of meeting him here face to face. Accusations and allegations against me have been gravely preferred, frequently repeated, made immediately on the return of the gallant Admiral to this House, and from day to day this Motion has been postponed, until we have arrived at the Easter recess; and this Motion, so formally announced, has never been made until this night, although, upon occasion of Motions for going into Committee of Supply, it was open to the hon. and gallant Member to have it brought forward. Now, Sir, nothing would have prevented me from supporting this Motion except the declaration of the right hon. Gentleman the First Lord of the Admiralty, made upon his official responsibility, that the appointment of this Committee would be inconsistent with the interests of the public service. As far as my personal wishes and honour are concerned, it would be the greatest possible satisfaction to me that this Committee should be appointed; that every scrap of paper I ever addressed to the hon. and gallant Admiral should be produced before the Committee; that all the correspondence between us should be considered by the Committee; and that I should be allowed to give evidence before the Committee as well as the hon. and gallant Admiral. Sir, the hon. and gallant Admiral is no doubt a very good judge of the strength of fleets and of positions, but he must permit me to say that he is not an equally good judge of strong language. The hon. and gallant Admiral commenced his speech by promising to deliver himself with temper, with moderation, and justice, and I shall not be wrong if I read the charges which the hon. and gallant Admiral has crowded into one speech, but that a very long one. The following, then, are the charges which the hon. and gallant Admiral says I am guilty upon:—Political cowardice—[Sir C. NAPIER: Hear!]—that I have written from the Admiralty letters so jesuitical that no other pen but mine could have put them on paper—that the honour of an officer is not safe in my hands—that I have been guilty, in his opinion, of treason—[Sir C. NAPIER: I never said so]—that I was never in earnest in the Russian war—that the Emperor Nicholas might have been at the head of the Admiralty with more advantage to British interests than myself—that I desired to make the hon. and gallant Officer a victim—and that I was guilty, while in office, of conduct unworthy of a gentleman. These, Sir, are the charges which the hon. and gallant Admiral has preferred against me, after full deliberation, and after announcing his determination to use no language that was not characterised by temper, by moderation, and by justice. Now, Sir, I should like to call the attention of the House to the use that has been made of my private correspondence with the hon. and gallant Officer. The House will remember that I took exception to the course pursued by the hon. and learned Member for Wallingford (Mr. Malins) in a former Session with respect to this subject. I complained of the unexpected use made on that occasion of public dispatches withheld by the Government on the ground that their publication would be injurious to the public service, and of private letters, written, certainly, with the utmost confidence at the moment, to an officer employed in an arduous command—produced without consulting the writer of those letters, or obtaining his permission—the letters garbled also and perverted in the order of time, and their production open to every possible objection which could be taken to the abuse of private correspondence. I have every confidence in the correctness of the view which you, Sir, take of the rules of this House, and I am satisfied, after having sat here for a long time, and having had much experience in debate, that there has been no such publicity given in former debates to public or private communications, and that if an appeal had been made to you, Sir, any such use of public dispatches and of private letters would not have been allowed.

After all that has occurred, I think it is necessary that I should call the attention of the House to a further use that has been made of this private correspondence. I hold in my hand an extract from a newspaper, the *Sheffield Free Press*, which contains a correspondence that, with the permission of the House, I will now read. Mr. Ironsides, a resident in Sheffield, makes a proposition, at a public meeting there, "that Mr. Roebuck be requested to move in the House of Commons the appointment of a Committee to inquire into the Baltic expedition of last year." He proceeded to state that he had heard such a description of the letters between Sir James Graham and Sir Charles Napier that he had written to Mr. Grant, the editor of *The Morning Advertiser*, who, he was informed, had them in his possession, to send them to him. Mr. Grant replies thus to Mr. Ironsides—

> "London, June 11, 1855.
>
> "Dear Sir—I had in my possession for six weeks the whole correspondence—not copies, but the originals—which passed between Sir James Graham and Sir Charles Napier, from the starting of the Baltic expedition last year until its return, but I returned it to Sir Charles Napier a month ago. Sir Charles spontaneously placed the documents in my hands—which I need not say are of infinite importance—on the understanding that I should not allow them to go out of my sight. I had, however, no prohibition as to showing them to friends, and, had you chanced to call on me while they were in my possession, I should have had much pleasure in showing them to you. I have no hesitation in saying that, if I have any idea of what evidence is, these letters would suffice, with other facts of undoubted accuracy, to convict Sir James Graham of treason.
>
> "Yours truly, JAMES GRANT."

On the receipt of this letter Mr. Ironsides writes to Sir Charles Napier, refers to the statement of Mr. Grant, and asks the hon. and gallant Officer to let him have the letters. In reply, Sir Charles Napier sends the following letter to Mr. Ironsides—

> "Merchistoun, Horndean, June 17, 1855.
>
> "Sir—Mr. Grant has told you the truth. I did not give those letters to him to publish, because I might have been accused of giving my plans of attack to the enemy; but when it is decided not to attack the parts I pointed out, and when there is no danger of publication, I shall go to Lord Palmerston, and ask him if he will give the papers to the House; and if he refuses, I shall then publish them, whatever is the consequence to myself. I have no hesitation in saying, had I done what Sir James Graham wished me to do, plainly expressed in letters both public and private, I should have lost Her Majesty's fleet; and I think Sir James Graham deserves impeachment for goading me to do in the winter what he was advising me not to do in the summer. Roebuck was so successful with his Sebastopol Committee that he ought to take up the Baltic. Sir James Graham has been publicly accused by me of perverting my letters and of endangering the Queen's fleet; and that accusation ought not to lie dormant. Were I in Parliament, it should not sleep for twenty-four hours. I do not think it right to send you the papers, but would be glad to show them to you had I an opportunity.
>
> "Yours truly, CHAS. NAPIER."

The hon. and gallant Officer is the best judge of what amount of sleep this question may have deprived him; but from the appearance of the House during the delivery of his speech, I do not think his sleeplessness extended to many hon. Members present. I would just observe, before proceeding further, that in the unlimited licence of publication enjoyed by the hon. and gallant Officer, he has advanced one charge both against myself and against the Government with which I was connected that, if it were consistent with the public interests, I do think might with propriety be investigated before a Committee. The hon. and gallant Officer, not in the heat of debate, but in a letter addressed to the editor of *The Times* on the 10th of January in the present year, raises a substantial issue, which I should be most happy to see tried before any tribunal. He says—

> "I ask, were the Government sincere in their wish to cripple Russia in 1854, and were they serious in 1855? for certainly no one—judging by their actions, could think so."

Now, that is a point fairly raised and broadly stated, and certainly nothing could be more satisfactory to me, if it were possible, than that it should be fairly examined. Again, the hon. and gallant Officer has expressed his opinion, first stated in his letter to Mr. Ironsides, and repeated to-night, that my correspondence with him contains proof of treasons of which I have been guilty. A more grave accusation could not be brought against any man, and certainly I am under a difficulty, the Government refusing an inquiry, as to the course which, consistently with my public duty, it is open for me to take. I think, as the matter now stands, it is an exceptional case, and, although most reluctant to read my own private letters, which I think are my own property, yet, in present circumstances, I deem myself compelled to trouble the House with some extracts from my correspondence with the hon. and gallant Officer. It will be open to him to assent to my using his answers if he thinks fit. [Sir CHARLES NAPIER: Use everything you like.] But before I proceed to this point I shall refer to what fell from the hon. and gallant Officer with respect to the evidence which he said I gave before the Sebastopol Committee relative to the use of private letters. With the permission of the House I shall read a portion of that evidence. There was a private letter written by me on the 25th of October, 1854, to Admiral Dundas, who was then in command of the Black Sea fleet. That letter was made a public document by being referred to and quoted in a dispatch to Admiral Dundas, dated Admiralty, 28th of December, 1854, which I read before the Sebastopol Committee, at the same time stating that I should not have felt myself at liberty to use the private letter of the 25th of October, had it not, by the dispatch of the 28th, been made a public document, and had I not received the sanction of the noble Viscount at the head of the Government to my production of it. The Chairman then asked—

> "You state that you would not have felt yourself at liberty to use it if it had not been made a public document by the dispatch of the 28th; but is not any private document relating to public matters public?—I conceive not; I conceive that no person has a right to use a private letter without the consent of the writer, whether that gentleman be in office or out of it.
>
> "Is not that a private letter of your own?—The letter of the 25th of October was a private letter, written by me to Admiral Dundas, but I should not have used that letter had it not been made public by the dispatch which I have just read.
>
> "Not if it related to public matters?—Certainly not; I should not consider myself at liberty, with reference to the conduct of admirals with whom I corresponded, on an occasion like this to make use of my private correspondence."

This extract from my evidence will show the value of the statement made by the hon. and gallant Officer that I declared before the Sebastopol Committee that private letters might be made public documents at the will of the Admiralty. [Sir C. Napier: You were so reported in the newspapers.] So much for the evidence before the Sebastopol Committee; and to the principle there laid down I have already told the House it was my wish to adhere, were not the circumstances of this case very peculiar. I have shown the House the use already made of my private correspondence, without my consent, by the hon. and gallant Member. I have told the House that I would be glad to have this question referred to any tribunal, with the whole of the correspondence, public or private; but the House has heard objections from official authority—the head of the Admiralty—to the institution of any such inquiry; and now it only remains for me, in vindication of the truth, to which the hon. and gallant Member for Southwark attaches so much importance, and to avoid that special pleading which the hon. and gallant Member is so anxious to deprecate, though, perhaps, I should have little difficulty in proving, were I to refer to the Report of our proceedings last year, that such artifices are not unknown in the debates of this House—to read with the permission of the House two or three of my private letters addressed to the hon. and gallant Admiral. I shall commence with the circumstances which attended the appointment of the hon. and gallant Admiral to the command of the Baltic fleet at the commencement of 1854. The hon. and gallant Officer is most anxious that truth should be stated unreservedly in this matter. I am sorry thus early in what I have to address to the House to state that a misunderstanding on a matter of fact exists between the hon. and gallant Admiral and myself. If I did not misapprehend him, I think he stated that I promised him the command of the Baltic fleet in November, 1853. Am I right in so understanding the hon. and gallant Officer?

Sir CHARLES NAPIER: The facts are these:—The right hon. Baronet wrote to me in February, 1854, that he had appointed Admiral Fanshawe to the command of the American station, and that it was his intention—I quote from memory—to keep me at home lest a war might break out, and if there should be no war to send me to Sheerness. I saw the right hon. Baronet the next day, and put this question to him, "Am I to understand you to mean that I am not to go to America, because, in the event of war, you intend to appoint me to a command in the Baltic, and in the event of no war to send me to Sheerness?" His reply was, "Yes."

Sir JAMES GRAHAM: I have by me the copy of a letter written by myself to the hon. and gallant Officer on the 11th of February. The hon. and gallant Officer was very instant in his applications to me for the appointment to this command. I have his letters here; but I shall not use them unless he presses me to do so. He urged me very much to give him the appointment; he held out many inducements why I should do so, intimating, among other things, that his popularity in the service was such that his appointment would lead to an early influx of sailors to the fleet; and he adduced many reasons why, both on account of public grounds and personal merit, the command was due to him. I declined upon more than one occasion an interview with the gallant Admiral, and he complained of my reluctance to see him as inconsistent with the respect which I then felt for him. Upon the 11th of February, therefore, I wrote to him this letter—[Sir C. Napier: Read the letter of the 24th of November.] I have not that letter here, but the hon. and gallant Officer is at perfect liberty to read it if he pleases. I will read my letter of the 11th of February in answer to the applications which he made to me, urging that the appointment should be given to him. It is as follows:—

"Admiralty, Feb. 11, 1854.

"My dear Sir Charles—The appointment to the command of the North Sea fleet is a very serious affair, and cannot be decided in a hurry. While the question is pending there is no use in discussing it with you; and this is the reason why I have avoided a personal interview, not intending to mark any want of respect, but desirous to prevent any needless disappointment. War is not declared; no fleet is yet assembled; and no final arrangements are at present concluded. In these circumstances it is not in my power to make any communication to you at this moment.

"Vice Admiral Sir C. Napier, K.C.B."

So matters stood on the 11th of February. In the performance of my duty, however, having consulted with my colleagues in the Cabinet and taken Her Majesty's pleasure with respect to the appointment, I notified to the gallant Admiral, somewhere about the 23rd of February, that he had been selected to that high command. I had an interview with the gallant Admiral at the same time, and intimated that circumstance to him, and upon the 24th of February the impressions which were produced by that interview were conveyed to the gallant Admiral in the following letter:—

"Admiralty, February 24, 1854.

"My dear Sir Charles—The conversation which I had with you yesterday has left on my mind the painful impression, that the means which the Admiralty has provided for fitting out and manning the North Sea fleets are, in your opinion, insufficient for the occasion, and unequal to an encounter with the Russians on fair terms.

"I have done my best to provide a force which I consider adequate to the duty to be performed; and every exertion which this Board considers necessary will be made without intermission. You urged on me the propriety of offering bounty, of transferring the seamen from the Queen's yacht to the flagship, and of inviting the gentlemen of England to forego their summer's amusement on the sea and to lay up their yachts.

"These are signs of distress, which I consider impolitic and unnecessary, and which I cannot sanction.

"If you are dissatisfied with the preparations which have been made and are in progress, and if you have not entire confidence in the strength of the combined forces of France and England, you had better say so to me at once, and decline to accept a command which, in your opinion, would not redound to your honour or to the safety of your country.

"It will be far better that you should refuse the offer of this command than undertake it with any such misgivings.

"I have marked my confidence in you by offering it; if you decline it on account of the insufficiency of the means which will be placed at your disposal, I must endeavour to make some other arrangement as soon as possible.

"Without a good-will and hearty concurrence, this Board and the Commander in Chief of the Baltic fleet cannot work well together.

"I am, yours very faithfully,
"J. R. G. GRAHAM.

"Vice Admiral Sir C. Napier, K.C.B."

Now, Sir, to that letter I received an answer from the gallant Admiral, which I have here; but it is his letter, not mine, and whether I shall read it to the House depends upon the wish of the gallant Admiral.

SIR CHARLES NAPIER: Certainly; read it; and the letter of the 24th of November also.

SIR JAMES GRAHAM: I have already said that I have not that letter here. I will, however, read the gallant Admiral's answer to mine of the 24th of February. It is as follows:—

"18, Albemarle Street, February 24, 1854.

"My dear Sir James—I thought it my duty to point out to you what I thought the best way of manning the fleet, to insure a great, glorious, and speedy victory over the Russians.

"I never made difficulties when service was required, and after a long life spent in honour, I am not going to make them now.

"I should consider myself a coward and unworthy of holding Her Majesty's Commission were I to decline any service, be it ever so desperate.

"Lord Nelson never declined service, no more shall I, particularly after the confidence you placed in me; but, with the means at my disposal, will do all I can for the honour and glory of my Queen and country, which shall not be tarnished in my hands; and I certainly have no apprehension of failing either in good-will or hearty concurrence with the Board of Admiralty.

"I am, my dear Sir James, very faithfully yours, "CHARLES NAPIER."

To that letter I immediately returned the following reply:—

"My dear Sir Charles—I do not anticipate that I shall ask you to undertake any 'desperate' service; and when I offered you this command, I was certain that the honour of the country and of the flag might be safely confided to you. Your apparent distrust of the means which I could place at your disposal was the sole cause of some uneasiness on my part. Your note has dissipated all doubt and apprehension, and I shall be most happy to see you at the Admiralty to-morrow at eleven o'clock, when we will discuss the arrangements which it will be necessary to make.

"I am, my dear Sir Charles, yours very faithfully, "J. R. G. GRAHAM.

"Vice Admiral Sir C. Napier, K.C.B."

Now, Sir, I shall frankly tell the House why I hesitated long before I advised my colleagues and Her Majesty to appoint the gallant Admiral to that command. I did hesitate long, and I will tell the House the reason why. The House will remember that on a former evening the hon. and gallant Member for Southwark talked very contemptuously of coast-guardsmen, with bald heads and spectacles. Now, Sir, I had the honour of some private acquaintance with that gallant Officer very many years ago, and landsman as I am, and ignorant of naval affairs as I may be, I had imbibed very much the opinion from himself, that after sixty no admiral was really so efficient in time of war as he himself might desire to be—certainly not so efficient as he himself had been. If I am not mistaken, I have heard the hon. and gallant Officer say in early youth that he would never think of going to sea after he was sixty years of age. That was in conversation; but when I first went to the Admiralty the hon. and gallant Officer was so good as to extend to me his advice—I had almost said "his tuition"—in the important office to which I was raised unexpectedly in 1831; and, great with the pen as well as with the sword, the hon. and gallant Officer has published frequently and largely. I hold in my hand a book, written by the hon. and gallant Officer, with the high-sounding title of *The Navy*, which contains a series of letters written by Admiral Sir Charles Napier, and edited by the highest literary authority, his relative, Major General Sir William Napier, to various First Lords of the Admiralty, including Lord Melville, the Duke of Clarence, Lord Auckland, myself—an humble individual among such company—the Earl of Minto, Lord John Russell, the Earl of Ellenborough, Lord Palmerston, Sir Robert Peel, and though last, not least, the editor of *The Times*. Now, this is in 1831. It is no private communication, no document of doubtful authority, uncertain in its use, and not deliberately given to the public; but it is a letter addressed to myself on May 17, 1831, and the hon. and gallant Admiral says—

> "Rely upon it, Sir, that the generality of men of sixty years of age are not fit for captains; as admirals, there is greater scope for the mind, and the signal for exercise will show him what ships are in order and what are not. But most men of that age are too old for dash and enterprise. Lord Nelson fought the battle of the Nile at thirty-nine, Copenhagen at forty-two, and was killed at forty-seven. Had he been seventy, you would probably not have heard of either one or the other. When a man's body begins to shake, the mind follows; and he is always the last to find it out."

That was written by the hon. and gallant Officer in the vigour of comparative youth

Sir James Graham

and in a time of peace; but now time advances, and what continues to be the opinion of the hon. and gallant Officer? Here is a letter to the late Mr. Hume, dated the 28th of February, 1837. He repeats the proposition which he offered to me as to Nelson:—

> "Fought the battle of the Nile at thirty-nine, Copenhagen at forty-two, and was killed at forty-seven. Had he not been an admiral till sixty, I much doubt whether you would have either heard of the battle of the Nile, or Copenhagen; and the battle of Trafalgar most certainly would not have been fought in the manner it was."

[Sir C. Napier: Hear, hear!] Will the hon. and gallant Gentleman say "Hear, hear," to the next passage?

> "There is a great difference between the command of a fleet and a seat in the House of Commons. A man of sixty may talk to the House for two or three hours, though exposed to the wit, the sarcasm, and the yawns of his opponents, and still preserve his nerve and power of oratory much beyond that age;"—

Then comes an allusion to trying circumstances which are all foreseen by the hon. and gallant Officer:—

> —"But an admiral, in command of a fleet, has not only his enemy to look after, but he has charge of that fleet among rocks, shoals, lee-shores, storms, and tempests; and it requires youth and health to support him in all his difficulties."

But it does not stop here. As time advances the hon. and gallant Officer addresses his opinions to the Naval Commission appointed in 1839. Full of honest zeal for the service, the Duke of Wellington presided over that Commission, and the hon. and gallant Officer addresses a letter to the secretary. He says this of Lord Nelson—that bright example rightly cherished in the recollection of every naval officer and every grateful Englishman:—

> "Lord Nelson fought the battle of the Nile at thirty-nine, Copenhagen at forty-two, and Trafalgar at forty-seven; many men of his age would have done the same thing; but I doubt whether Lord Nelson himself, between sixty and seventy, would have attempted either the Nile or Copenhagen; and most certainly, at that time of life, he would not have fought the battle of Trafalgar in the way he did. He died at forty-seven, leaving a brilliant example to follow, but which example will never be followed by one man in a hundred, unless he has youth on his side."

These were very solemn warnings, and from my early acquaintance with the hon. and gallant Gentleman, before the close of the French revolutionary war, I was aware, by contrasting his age with my own, that he had passed the awful limit of sixty years, so dangerous to the public service. But if the doubt of what, for the public service, it was prudent to do had not arisen, there was in this very book a letter to another First Lord of the Admiralty having a personal bearing on the appointment of the hon. and gallant Officer. In a letter to Lord Minto, dated March, 1837, he says—

> "A man made an admiral at forty, in constant employment, with good health, good nerves, and of an active enterprising character, may hold good till sixty or upwards; but a man who has been on shore for a considerable number of years, unaccustomed to command, must have his nerves so much relaxed that it is quite impossible he can command a fleet with the energy that is necessary at the commencement of a war; he may do well enough in peace, but war is quite another thing, and war will surprise us one day or other; and, depend upon it, my Lord, if we meet with reverses, there will be such a flame lit up throughout the country, that the Lord have mercy upon the First Lord of the Admiralty for the time being."

I think the House will agree with me, after what I have read of the solemn warnings administered to myself, to the Military Commission, and to First Lords of the Admiralty in times of peace, that we were justified in hesitating before we recommended our colleagues to give the hon. and gallant Officer the appointment. But, Sir, these difficulties having been one by one overcome, I had to consider, in concert with the hon. and gallant Officer, when appointed to the command, the objections he had taken to the manning of the fleet. The hon. and gallant Officer, with laudable foresight and prudence, thought that a Russian fleet of twenty-eight sail of the line was a force not to be despised. When pressed to enter the Baltic with twelve sail of the line and a large number of screws —though the Russians had no screw ships —he more than once represented that the force was inadequate. He stated that the fleet was very ill-manned. Now, Sir, I do not deny that the hon. and gallant Officer pressed upon me, in the interviews to which I have referred, the propriety of issuing a Proclamation based upon the Act of Parliament which I had the honour of introducing. But no such Proclamation could have been issued, with offer of bounty on the one hand, without compulsory service on the other, if within the time limited sailors did not come in. I was not prepared at the first commencement of the war, before the necessity had been demonstrated, to urge the Government directly or indirectly to sanction compulsory service. I had the assistance of my right hon. and gallant Friend the First Naval Lord of the Admiralty—assistance for which I can never be sufficiently grateful, and which, I think, constitutes a debt of gratitude on the part of the public. The exertions of my right hon. and gallant Friend, which were unremitting, convinced me that if a fair trial were given, without a shade of compulsion, the fleet would be manned. I consequently resisted the Proclamation. I resisted the offer of double bounty, intimately connected as it was with compulsory service. The fears of the hon. and gallant Admiral were not realised. The hopes and expectations of the Board of Admiralty were not disappointed, and my right hon. and gallant Friend (Sir M. Berkeley) succeeded in manning the British fleet in a time incredibly short. In passing, I will say that I fully admit the wisdom of the objections which were taken early by the hon. and gallant Officer (Sir C. Napier) to the Proclamation in question, and, feeling the force of those objections, in 1854 I myself proposed a modification of it, to which the House was pleased to give its assent, and the objectionable portion of the law is now altered.

After the Baltic fleet was named for the Baltic service, the *Royal Albert,* a three-decker, was in the year 1854 named for service in the Black Sea. That ship went out as the flagship of a gallant officer in no respect inferior, either in experience or in judgment, to the hon. and gallant Admiral opposite. [Sir C. NAPIER: Hear, hear!] And I would propose to the hon. and gallant Officer whether he means to say the *Royal Albert,* manned by volunteers after the Baltic service was supplied, was unfit for the service, or unfit to be sent into battle by a British Board of Admiralty? Let him consult Sir Edmund Lyons on this point. I will not try issue on Sir Edmund's answer. So much for the objections respecting the manning of the fleet. The next point taken by the hon. and gallant Admiral was, that the ships were unfit to go into action. He has read part of his letters, in which he made use of expressions more than once, that there were in the fleet under his command ships unfit to go into action. The Board of Admiralty at once called upon him as a point of duty to specify those ships—"to specify" were the words used in the letter addressed to him. How did he meet that request? He went off about discipline being improved by exercise, and spoke of the great pains taken by the captains with their respective crews. The Admiralty requested that a report of the state of the ships should be returned to the Admiralty, pointing out such defects as were the subject of complaint, and he gives as an excuse for not sending home the list that it was not easily prepared. The hon. and gallant Officer now talks in respectful terms of the captains under his command. Though I have his private letters in my hand, I will not be so ungenerous as to read to the House and give to the public the confidential communications made by the gallant Admiral with respect to the conduct of several captains, some nearly at the top of the list, in which he declared, giving their names, that he thought them unfit for their commands, and that it was hopeless for them to try to amend; and in which he proposed to me that he should be at liberty to make signal, in presence of the whole fleet, "Go home! You are no use to me here." I resisted so harsh a measure. I have the letters here. I will not, as I have just said, be so ungenerous as to produce them. If I did produce them they would create a degree of ill-will against the hon. and gallant Member such as I am sure he could not confront. I will not betray names. It was a confidential communication to me. It is very easy now to say that the captains were first-rate officers. The private communications to me respecting these first-rate officers bear quite another interpretation, and I state postively that whatever the hon. and gallant Member may now find it convenient to say in public, those were not the representations which he made to me in private. I stated to him that I would support his authority to the utmost, but I was not prepared to sanction the ships being sent home—the ships and crews being efficient. I stated that if he would gravely and specially report to the Board that he thought certain captains should be superseded, I had so much reliance upon his justice and authority that his wishes should be met, but it must be by superseding the officers, and not by sending the ships and crews home.

Now, Sir, another point made by the hon. and gallant Member was, that there were no pilots on board the fleet. I am speaking from a recollection, perhaps, not so perfect as of those who have more ready access to official documents, but I think my right hon. and gallant Friend (Sir M. Berkeley) who was my colleague, will confirm me that great exertions were made. [Sir C. Napier: I said so.] The best pilots, and those best acquainted with the navigation of the Baltic, were sought out by the Admiralty long before war was declared. [Sir C. Napier: I said so.] I am glad the hon. and gallant Officer makes that admission. I understood him to say that there were no pilots competent to lead the fleet to its scene of action.

Sir CHARLES NAPIER: I said that, when we arrived in the Downs, the greater part of the pilots wanted to go home, and did go home. There were only eight left, and we found them good for nothing. I say so still.

Sir JAMES GRAHAM: The hon. and gallant Officer referred to a particular ship, the *Monarch*. Now, on board the *Monarch* was a person who had made sixty voyages between Hull and Cronstadt, and who had for four years been master of a steamer plying between Cronstadt and Sweaborg. In addition to that, in the month of February and March, the moment the Baltic was open, a steamer of war was fitted out by the Board of Admiralty, and communications made to the Trinity Houses of London and of Hull—a precaution unexampled in the former history of the naval service—and about twenty most experienced masters, recommended by those Trinity Houses, were sent through the Cattegat, through the Sound, into the Baltic, for the very purpose of making themselves masters of the navigation. I do give the hon. and gallant Officer the highest credit for the able manner in which he led a numerous fleet of ships of very great draught of water through the Great Belt into the Baltic, a most difficult operation. I ascribe —not exclusively, for I am disposed to give him the utmost credit for his skill and ability on that occasion—but I ascribe a large portion of that success to the ability and knowledge of the pilots who were placed on board his ships. Now, Sir, I have been blamed for recommending caution to the hon. and gallant Officer, and he rather taunts me with having restrained his ardour when he first went into the Baltic, although he also charges me with goading him on as winter approached. [Sir C. Napier: Hear, hear!] Allusion has been made to an important circumstance by the hon. and gallant Officer who unwillingly seconded the Motion—and I do not know now whether he withdraws his support, for he seconded it under a misapprehension; but I know he reprobated the signal made by the hon. and gallant Admiral to his fleet. When was that signal made? It was made on the day when the declaration of war arrived, and with the permission of the House I will read the words of the signal. It ran thus:—

> "Lads, war is declared, with a bold and numerous enemy to meet. Should they offer us battle, you know how to dispose of them: should they remain in port, we must try and get at them. Success depends on the quickness and precision of your fire. Also, lads, sharpen your cutlasses, and the day's your own."

Now, contrast that signal with the signal of the great model of the navy—so regarded by the hon. and gallant officer himself, and so regarded by his fellow-countrymen; contrast that signal with Nelson's signal on the morning of the battle of Trafalgar,—"England expects that every man will do his duty,"—that memorable signal which has become household words—the exhortation of every British parent who sends forth his son into the world, no matter what his future avocation may be. Contrast that signal with the signal made by the hon. and gallant Admiral, and then you will have the measure of the difference between Nelson and the would-be hero of the Baltic. I think that was a signal which led the fleet to expect a most daring enterprise—that even skulking behind fortresses under cover of strong batteries would be of no avail to the enemy; they were to be led to the attack, they were to sharpen their cutlasses, and he promised the day should be their own. I can only tell the hon. and gallant Officer that my political cowardice was such that I was alarmed at his signal. I feared some very rash undertaking was about to commence, and I thought it prudent to tell the gallant Admiral that we did not wish or intend to send him on any desperate service, and I thought it my duty to restrain his honest zeal. That was only at the first commencement of the Baltic campaign. Now, Sir, this brings me to the hon. and gallant officer's dispatch, dated May 30, off Hango Head, in which he says that he thinks, upon reference to the plans, that Sweaborg is unattackable either by land or sea. [SIR C. NAPIER: Hear, hear!] The hon. and gallant Officer told the House to remember dates. I also beg the House to remember dates. This report is dated May 30. Now, the House will remember the hon. and gallant Officer read a part of a direction from the Admiralty in the autumn of 1854, when the matter was brought in question, in which he was requested to report to the Admiralty when he made a personal reconnaissance of Sweaborg, what was the ship in which it was made, and on what day it was made, and what was the nature of the reconnaissance, The hon. and gallant Officer did not read the answer in full, but he will excuse me for saying he has evaded that answer altogether. He admits that on the 30th of May, when he made that report, he had not been nearer than eight miles. [SIR C. NAPIER: I had not been there at all.] Exactly so. The hon. and gallant Officer said on the 30th of May that Sweaborg was unattackable by sea or by land, he being within eight miles of the place, and not having gone close in to reconnoitre. [SIR C. NAPIER: I was not within 100 miles of it.] The gallant Officer was distinctly asked by the Board of Admiralty whether he had been close to Sweaborg on the 30th of May. Now this is what the hon. and gallant Officer wrote on the 13th of November:—

> "I beg to acquaint their Lordships when the port and works of Sweaborg were inspected by me, I beg to inform them I anchored off Sweaborg on the 12th of June, close to the outer shoals, about eight miles off. All the beacons were removed, and it was impossible to approach nearer, I sent in the master of the fleet and two steamers to search for a passage. I intended to inform myself the next day by a further examination, but the French fleet appeared, and I proceeded to join them."

Not after a personal reconnaissance, but with the plans and charts of Sweaborg in his hands. [SIR C. NAPIER: No such thing.] I quote the words of the hon. and gallant Admiral. It is for him to contradict if I am wrong in saying that he never closely reconnoitred Sweaborg until the 23rd of September. [SIR C. NAPIER: Hear, hear!] Does the hon. and gallant Gentleman admit that? [SIR C. NAPIER: Yes, not close.] Well, then, if the hon. and gallant Officer had, on the 13th of June, gone in and made a personal reconnaissance, as he did on the 23rd of September, in company with General Jones, and had made in May that report to the Admiralty which he did make on the 24th of September, it would have been quite possible for the Admiralty in the course of that summer, or before the close of the autumn, to send out all the appliances which he might have deemed to be requisite. I ascribe the whole difference which has arisen between the hon. and gallant Officer and the Board of Admiralty to his neglect in not making a personal reconnaissance of Sweaborg until so late a period as September 24. That brings me to another point. The hon. and gallant Officer has thought fit to impute motives, and has said that the change of views on the part of the Admiralty with respect to an attack upon Sweaborg was caused by the delusive expectations which were raised by the false report of the fall of Sebastopol. Now, the hon. and gallant Member likes dates. General Jones's report was received at the Admiralty on September 4, enclosed without comment in an official letter from the hon. and gallant Admiral. The report was dated August 29, a reconnaissance, made by Sir Harry Jones alone, having taken place on the 23rd, and the plans of attack bore date August 25. The Government had selected Sir Harry Jones to go out as a military assistant to the hon. and gallant Officer in the various operations which were expected to take place; he being an officer of the highest merit and experience, and one upon whose opinion the utmost reliance could be placed. That gallant officer having closely reconnoitred Sweaborg on the 29th of August, a duty which the hon. and gallant Gentleman opposite, although he was the naval Commander in Chief, appears up to that time to have altogether omitted, expressed the strongest possible opinion that a plan which he described in detail, but which I am sure the House will not expect me to repeat, a plan for a combined operation of sea and land forces to the extent of 5,000 men, would, he felt confident, lead to success, and that in seven days. That report was received on the 4th of Sptember, and I regarded it as being of so much importance that, on the 9th of that month, after the Cabinet had been consulted on the subject, I ordered it to be referred to a council of war. Marshal Baraguay d'Hilliers and General Niel, two of the most distinguished officers in the French service, had, unlike the gallant Admiral opposite, considered it their duty also to make a close personal reconnaissance of Sweaborg, and they came to a conclusion not quite identical with that arrived at by General Jones—but to the conclusion that an attack made with sufficient boldness, by naval means alone, without the co-operation of a military force, could be successful, and, indeed, that the fortress would not hold out for more than two hours. That was the opinion of two distinguished military officers after a close reconnaissance, and in the absence of any naval reconnaissance; and, upon that opinion the Government, acting in perfect concert with the Government of France, ordered the matter to be referred to a council of war. It is said that the views of the Admiralty changed with the fluctuation of affairs in the Black Sea, and were influenced by a supposed success at Sebastopol. Now, the hon. and gallant Admiral likes truth, and fortunate y dates sometimes are useful in establishing the truth. [Sir C. Napier: Yes, when they are properly stated.] The opinion of Marshal Baraguay d'Hilliers and General Niel was received on the 11th of September, and on the 12th the order was sent to reconsider the whole question, and the hon. and gallant Admiral was reminded in that dispatch that the destruction of Sweaborg had always been regarded by Her Majesty's Government as a matter of the utmost importance ever since the commencement of the war. Now, with regard to the views of the Government being changed by events in the Crimea. Why, Sir, as I have said, this order was sent on the 12th of September, and the British army did not land in the Crimea until the 15th, and the battle of the Alma was not fought until the 20th of that month. Now, let us consider the question as regards the plan proposed by General Jones. General Jones writes—

> "After a careful reconnaissance, the only mode which appears to present itself with any prospect of success, is by a heavy bombardment from a combined operation by land and sea." [Here follows the plan.] "The above is merely an outline of what is possible, practicable, and of easy execution. . . . . Should everything prove favourable, the operation ought not to take more than seven or eight days. . . . The close of the summer may, probably, be considered the best for bombarding Sweaborg, as the winter following close on the destruction of the public establishments and buildings would preclude the possibility of repairing or rebuilding them during a northern winter."

On the 24th of September the gallant Admiral was induced, by the representation of a military officer, to examine the fortress himself for the first time, and General Jones, accompanying him, says, in the strongest manner, that he—

> "Sees nothing to induce him to alter his opinion as to the nature of an attack, with a view to the destruction of the arsenal and establishments."

These reports of a general officer do not appear to have been very acceptable to the gallant Admiral, for afterwards, when General Jones, who had taken part in the operations against Bomarsund, requested the gallant Admiral to allow him a steamer to reconnoitre Cronstadt—and a more modest request could not have been made—he was peremptorily refused, and upon that refusal General Jones asked for permission to return to England. All this, however, is merely in passing, and I wish now to say a word or two about Bomarsund. Do I rightly understand the hon. and gallant Admiral when I believe him to say that he did not wish for the assistance of any military force in attacking Bomarsund?

SIR CHARLES NAPIER: That is what I did say.

SIR JAMES GRAHAM: I should be sorry to read any private letters addressed to me by the hon. and gallant Gentleman without his permission.

SIR CHARLES NAPIER: You are at perfect liberty to read any letter if you read it all.

SIR JAMES GRAHAM: Very well; I will, then, read two extracts from letters addressed to me by the hon. and gallant Admiral. The House will bear in mind that the hon. and gallant Admiral now states that he did not require the co-operation of a land force at Bomarsund. Now, on the 10th of June, 1854, he writes to me—

> "I have anticipated you about the Aland Islands. Sullivan has made a complete survey of them, and been up to Bomarsund, which he finds very strong, but requiring a large land force to attack it. 'There is a large harbour, quite landlocked, where the whole fleet could anchor; but there is not room alongside the batteries for ships enough to attack it without a land force. If Sweden would come forward it would be different; or if you can send a land force of 10,000 men it could be done.'"

That was on the 10th of June, and the gallant Admiral evidently considered the subject more deeply, and on the 12th he again writes—

> "Captain Sullivan returned after having made a complete survey of Bomarsund, which he reports as very strong. He was well received on the islands by the inhabitants. By all accounts the garrison consists of 2,200 men. It is a solid granite work of two tiers of guns, supported by three round towers, and he does not think there would be water enough for large ships, and not room enough for such a force as would be adequate to reduce it; but a land force could be sent to great advantage, supported by the ships, and there is a secure harbour which would hold all the fleet. If 10,000 men could be spared I think it might be reduced, which would be a great triumph, but no time should be lost."

Now, in consequence of that letter of the gallant Admiral, more than 10,000 men were sent in order to render success in the attack upon Bomarsund certain, as the gallant Admiral expressed the opinion that an attack might succeed if supported by 10,000 troops. Now, Sir, disputes like this, between British admirals and British generals, with reference to attacks upon forts, I am sorry to say, have taken place before, and the present is not the first occasion upon which a British admiral has abused a military colleague. I will just read to the House a passage from a modern history which shows what was the nature of the quarrel which took place between Admiral Vernon and General Wentworth on the occasion of the siege of Carthagena. Lord Stanhope, in writing of Admiral Vernon, says—

> "He became a great favourite with the multitude, who were, like himself, impatient for peace, and prone to consider the noisiest patriot the most sincere. On the breaking out of the war, he was appointed an admiral and commander of the West Indian squadron by the very Minister whom he had assailed, from the same concession to popular clamour which had produced the war itself. He was undoubtedly a good officer, so far as courage, enterprise, and experience can constitute that character; but he was harsh and haughty to his inferiors, untoward with his equals, mutinous and railing to all placed above him in authority."

The character given of him by Horace Walpole is that "he was a noisy, brawling admiral, whose reputation was greater than his courage, and whose courage was far greater than his sense." Unfortunately, these quarrels between admirals and generals are not unfrequent in the military and naval annals of the country. But, leaving these historical recollections, I come now to a moot point—mooted again to-night by the hon. and gallant Officer the Member for Christchurch (Admiral Walcott)—whether stone walls are or are not really assailable by ships? Now, the bright example of the *Agamemnon* in the attack upon Fort Constantine leads me to think that, with skill and great courage, it is possible, under special circumstances, to attack stone walls and fortresses with ships, though it is, I am willing to confess, a perilous operation. I am left, however, in perfect uncertainty as to what is the deliberate opinion of the hon. and gallant Officer (Sir C. Napier) on this subject. Writing on the 8th of January in the present year a letter to *The Times*, from which I have already quoted—[Sir C. NAPIER: I wrote no letter of that date.] The hon. and gallant Officer's memory is very treacherous as to what has occurred even very lately. This letter was written on the 8th January, 1856, and published in *The Times* on the 10th of that month. [Sir C. NAPIER: Oh, yes; I remember.] The hon. and gallant Officer said, he did not write a letter of that date; but a little reflection has taught him that he is wrong. This letter enters fully into the question as to the attack on stone walls by ships, and here is the result of his long experience—not, remember, contained in a speech, but in a letter deliberately written. He says:—"I served fifteen years last war, and it never was the custom for ships to approach batteries at all." That is the assertion in the letter. Now I think my noble Friend at the head of the Government is somewhat under a misapprehension with reference to the advice given by the hon. and gallant Officer as to the attack on Acre. I have heard it said that successful attack was owing to the advice given by the hon. and gallant Member. Now, on inquiry, I am assured that the reverse is exactly true; that the hon. and gallant Officer counselled Admiral Stopford not to attack Acre, and upon the very grounds stated in his letter to *The Times* —that he had served fifteen years last war, "and it was never the custom for ships to approach batteries at all." The hon. and gallant Officer is a great writer. I have read some of his letters published in a large volume, but he has published two volumes on the Syrian war and the attack on Acre; and in that history, vol. 1, page 213, where he endeavours to engross to himself a large portion of the praise due to that gallant exploit, I find the following passage. Will the House remember that on the 8th of last January he says it was never the custom in the last war for ships to approach batteries at all, and then listen to the following extract?—

> "I had frequently been engaged with batteries last war, and, I believe, was the only officer in the squadron who had ever commanded a ship in action against stone walls, and the system I followed—[you see, he seemed to have had a regular system of attacking stone walls with ships]—the system I followed was the one I had always been accustomed to. It was the plan followed by the leading ship at the battle of the Nile; and I am not aware that Lord Nelson found fault with Sir Samuel Hood for anchoring abreast of the leading ship; and if that is the tactics to be followed in attacking a line of ships, it is certainly the same that ought to be followed in attacking a line of stone walls."

Well, now, this is not all. I must refer again to the volume from which I have already quoted, for a letter addressed by the hon. and gallant Officer to my noble Friend at the head of the Government, and in that letter the hon. and gallant Officer, in the year 1838, enters with great ability upon the question of the attack of stone walls by ships. Recollect that he had declared Sweaborg to be unattackable by sea or land. Now, I will read the whole letter of 1838:—

> "My dear Lord Palmerston,—I am very glad that it is your intention to communicate my letter to your colleagues; since writing it, I observe the French are greatly strengthening their squadron in the Gulf of Mexico, and, from the nature of their armament, there cannot be a doubt that they intend attacking St. John de Ulloa. If they merely meant to blockade the Mexican ports, a frigate and small craft are by far the best description of force for that purpose; but line-of-battle ships and bombs"—[there is not much about gunboats here]—"plainly indicate their intention of attacking the castle and defences of Vera Cruz.
>
> "I have been twice there, and am quite certain, if they attack with"—[with what? why, with]—"boldness, they will take it. Many naval officers will disagree with me, but few know what ships can do, when well placed, against stone walls—Algiers, for example.
>
> "Nobody thought the French would have forced the Tagus, because Sir Charles Cotton did not do it after the battle of Vimiera—they did, and succeeded.
>
> "St. John de Ulloa is not so strong as St. Julian, and a ship can nearly touch the walls"—[it being proved that at Sweaborg there is deep water close to the walls themselves],—"and the Mexican soldiers are not fire-eaters.
>
> "I know the admiral—he is young and enterprising; if he take St. John de Ulloa, Vera Cruz will be at his mercy, and they may probably make a second Algiers of it.
>
> "I write this to your Lordship, because the castle is generally supposed to be"—[What? Like Sweaborg—the very words]—"unattackable by sea, and thinking so, your Lordship might be led astray."

Just as the Board of Admiralty were "led astray" by the reports of the 30th of May. I now have to thank the House for the patience with which they have heard me. Into this discussion I have been drawn most reluctantly. It is not of my seeking. Had it not been for the particular circumstances of the case, I should not have done what I have done to-night, in reading private letters. I am scrupulously fearful that I have transgressed in reading those letters, but the House in judging my conduct on that point will remember that the circumstances were very pressing. Before doing so I took counsel with the House respecting the propriety of this proceeding, and I myself did not see how such a course was well to be avoided. Sir, this House is always a friend of truth; it dislikes special pleading; and I think I have stated to the House openly and fairly what are the real facts of this case. One point only remains for me to touch upon. I am, it seems, the friend of Russia. The Emperor Nicholas himself, had he been at the head of the Board of Admiralty, could not have done more than I did to promote the interest of Russia. Well, there are many witnesses upon the bench below me. I will defy any one in this House to say that any effort was omitted by me while in office. Neither in the Black Sea nor in the Baltic may we have been so successful as we desired; but in my conscience I can say that, whatever may have been our failures, they have not proceeded from want of exertion on the part of the Board of Admiralty. With respect to preparations, I say distinctly that, if we had received the hon. and gallant Officer's report of what was necessary, in his opinion, for the attack of Sweaborg by naval means only in the beginning of June, it was quite in the power of the Admiralty to have sent out such a quantity of mortars as would either have sufficed to plant on the islands occupied in the attack in 1855, or, placed in mortar vessels, would have aided the operations of the fleet in the manner recommended by the hon. and gallant Officer, before even in his view the season would have prevented the attack. Be that as it may, however, was I negligent in the intervening time? In concert with my Colleagues I prepared in the autumn of 1854, to be ready to sail with the fleet in the spring of 1855, twenty-six gunboats, twenty-two mortar vessels, and five floating batteries, all built and ready for sea in April, 1855. By an agreement with the French Government an equal force of gunboats, mortar vessels, and floating batteries had been prepared and built by France; and, in addition to four screw line-of-battle ships, commonly called block-ships, we fitted five other line-of-battle ships with high-pressure engines; so that there were ready for attack in the Baltic, in the spring of 1855, in addition to his fleet of the former year, nine sail of the line, twenty-six gunboats, twenty-two mortar vessels, and five floating batteries; this number of gunboats, mortar vessels, and floating batteries being doubled by the arrangement made with France. The hon. and gallant Member for Southwark says that there is treason in my conduct. If that is his opinion, this discussion ought not to stop here. I have confronted the hon. and gallant Member this evening. I am ready to confront him anywhere; and I defy him to prove the accusations which he has this night scattered with so much recklessness far and wide.

SIR MAURICE BERKELEY said, the hon. and gallant Member for Southwark had brought forward charges which undoubtedly required to be met. When the gallant Admiral went first to the Baltic he kept up a private correspondence with him, but as soon as he entered into a controversy with the Admiralty, he ceased to continue it. The hon. and gallant admiral wrote to him saying, that his letters were such a comfort to him that he missed them very much. He then intimated to the gallant Admiral that he would continue the correspondence on the clear and distinct understanding that none of his letters would be published. He confessed, therefore, he was not a little astonished to hear one of his private letters read in that House. He would remind him that fighting was not the only quality required of a British admiral, but that he should be a man of the world, a man of undoubted honour, and should not do that which was always held to be culpable—exposing private correspondence without the permission of the writer. As the first naval adviser of the Admiralty, he had recommended that the hon. and gallant Admiral should not be allowed to re-hoist his flag in the Baltic fleet. And, why did he give that advice? Because he thought he was totally and physically unfit—that his nerves were completely gone. He did not mean to say one word against the hon. and gallant Admiral's undoubted courage, nor did he mean to say that an old man would not as readily stand to be shot at as a young man. The gallant Officer himself had said, that after sixty a man's nerves were gone—they lost dash and enterprise. There was, however, one bright exception to that rule in the person of the gallant Commander in Chief of the Black Sea fleet — but his own letters to the right hon. Member for Carlisle (Sir J. Graham) proved that he no longer possessed that power which was required in a commander in chief of a fleet in the Baltic. It had transpired from the correspondence that had taken place that the hon. and gallant Admiral had every disinclination to enter the Gulf of Finland, and that when there he had every disposition to get out again as fast as possible. In fact, the hon. and gallant Admiral was heard to say with more force and truth than dignity or self-possession, "What a d——d old fool I was to come into this infernal hole? If ever I get out you shall never catch me here again." He soon lost the confidence of his own officers, neither did he succeed in gaining the confidence of our Allies. Caricatures and squibs were plentiful throughout the fleets. The hon. and gallant Member, among other things, had complained of the extremely bad state in which pilots had been afforded to the fleet. What was the fact? Immediately it became evident that it would be necessary to send a fleet to the Baltic, the First Lord of the Admiralty consulted with the Deputy Master of the Trinity House, when it was decided that, in order to have the most recent information, twenty-four of the best pilots that could be selected from the Trinity House of London and Hull should be sent beforehand to the Baltic in a steamer, specially appointed for that service, under charge of one of the most experienced masters in the navy. These men were so sent; they went through the Great Belt and the Sound, returning in time to take charge of the first division of the fleet, and the two best of the men were placed on board the admiral's flagship. In addition, local pilots were taken on board at the Scaw and at Wingo. At a later period, as the ships got ready to sale from England, north country pilots (masters of merchant ships), who for many years had been in the Baltic trade, were engaged to take charge of the ships, so that before the close of the season upwards of 100 pilots were embarked in the fleet. No expense was spared. Some of the pilots were paid at the rate of £500 per annum; they could not be got for less, and the Admiralty were resolved that nothing should be wanting on their part that the country could produce. The hon. and gallant Officer next complained that he had no charts. Application was made to Captains Yelverton and Watson, officers who had entered into every creek and corner of the Baltic, and also to Captain Sullivan, one of the best surveyors ever known, who stated that the charts were admirable, and that they were surprised at their accuracy; and such was the uniform testimony of all the officers employed in the Baltic; and not only was the Admiral provided with all the common charts of the Baltic, but he was also furnished with copies of the Danish, Swedish, Prussian, and Russian charts of those coasts and with plans of the principal harbours. In order to render the charts more distinct to an officer unaccustomed to their use, the three, four, and five fathom edges of the shoals were coloured specially for the occasion. That these charts and plans could not have been incorrect was proved by the fact that admiral Richard Dundas used the same charts for taking up his position off Sweaborg when that fortress was successfully bombarded. It might be all very well for the hon. and gallant Admiral to say these things; but when he spoke of rocks and shoals and of a want of charts and pilots, he would ask whether they had ever heard that the gallant Officer who commanded in the Black Sea had urged such complaints? And yet the Black Sea had not been traversed as the Baltic Sea had been. The commander of the Black Sea fleet was obliged to lie at anchor in the worst weather off an iron-bound coast, and that showed the difference between his nerve and that of the hon. and gallant Admiral opposite. The hon. and gallant Admiral had also stated that his ships were badly manned, undisciplined and not fit to go into action. He (Sir M. Berkeley) had the charge of manning the navy, and he had always set his face against taking the sweeping of the streets for sailors. Some of his colleagues thought he was too nice, for he had established a standard which was identical with that of the Guards. No landsman was received under five feet eight inches, and who was not in full bodily health. All the men, too, were volunteers; there were no pressed men. Had the hon. and gallant Admiral sent in his report earlier, that which was done in 1855 might have been done in 1854; had he taken the same pains as the Admiral now commanding the Baltic fleet had taken, had he furnished the Admiralty with a similar report, there need have been no delay with respect to the attack on Sweaborg. It was the hon. and gallant Admiral's own want of decision and firmness, his determination not to allow Cronstadt to be reconnoitred because he had pronounced it impracticable, which had caused all the delay and had postponed the attack on Sweaborg. The whole course of the debate was greatly to be regretted, but the hon. and gallant Member had brought it all on himself: and, as the affair of Acre had been alluded to, it was but justice to a gallant admiral long deceased, to say that the whole credit of the attack on Acre rested with the late Admiral Sir Robert Stopford, and not with Sir Charles

Napier. The hon. and gallant Admiral did all he could to dissuade Sir Robert Stopford from making the attack. Nay, more, the night before the attack he told Sir Robert Stopford that his ship could not float in the position proposed to be taken up, but would be sunk in half-an-hour. Further than that, he would state that the hon. and gallant Admiral had the command of a division. He was to lead, and his (Sir M. Berkeley's) ship and others were to take up a position, and anchor astern. As the latter ships were going in, we saw the hon. and gallant Admiral let fall his anchor in such a position that every officer thought that want of water alone could have induced him (Sir C. Napier) so to anchor. When the hon. and gallant Admiral was asked why he acted thus, he replied that he intended the ships to pass ahead instead of anchoring astern. When Captain Fanshawe, in the *Princess Charlotte*, anchored under the Admiral's stern, why did he not make the signal for all the ships to pass ahead of him instead of anchoring astern? When he was asked why he did not do that, his answer was, that he did not like to make a signal in presence of his superior officer; but he was in command of a division, and could have made any signal he pleased. The commander of a fleet, as he had said before, should be a man of tact and discretion and a man of the world; but had the hon. and gallant Member opposite shown those qualities in his speech at the Mansion House? There was one thing, however, which more than any other lowered the character of Sir Charles Napier as a British officer, and that was his speech on the Southwark hustings. Out of spite to the right hon. Baronet the Member for Carlisle, out of spite to the Admiralty because they felt they could no longer employ him, and to gain a little popularity and the cheers of the multitude, the hon. and gallant Admiral had dared to get upon a public hustings, and at the risk of making the sailors of Great Britain discontented and mutinous in the midst of a war with Russia, to proclaim that the Admiralty were depriving the men of their just rights and of the indulgencies which belonged to them as matters of right. That was most unbecoming conduct, and if there had been a naval officer at the head of the Admiralty the hon. and gallant Member would have been immediately struck off the list of admirals. If it were not too late to learn the lesson, the hon. and gallant Member might remember for the future, that he who could not govern himself was not fit to govern others, nor was the man fit to command a fleet who did not know how to obey.

CAPTAIN SCOBELL said, he had never heard a stronger nor a more personal speech than that of the right hon. and gallant Member who had just sat down. He could not sit still and see the hon. and gallant Member for Southwark (Sir C. Napier) attacked by the Admiralty three-deckers without opening a gun or two in his defence. The hon. and gallant Member had served his country faithfully upwards of fifty years, and until that night there had not been a whisper against his honour. That he was old was not his fault. Some of those who had spoken were quite as old, perhaps older. If, indeed, he were so old, so infirm, and so weak in nerve, why did the Admiralty appoint him? Months were taken for consideration, and at last out of the whole list of admirals he was selected as the man most fit to command in the Baltic. The right hon. Baronet (Sir J. Graham) began by blaming the hon. and gallant Member for not bringing on his Motion at an earlier period. But he (Captain Scobell) knew that the hon. and gallant Admiral had used the utmost expedition that the forms of the House permitted to bring the Motion before it. Again, with regard to what had been said as to the hon. and gallant Admiral reading private letters to the House, it must be remembered that there was a great deal of difference between the letters of private individuals and those of the First Lord of the Admiralty, whose letters had virtually become public ones. He was sorry, however, that private letters should have been read at all. He (Captain Scobell) never heard such injustice as that the whole of a man's life, the books he had published, the words he had uttered, nay, even his conduct at Acre, should be called in question. There were few men whose lives would bear such an examination. The right hon. Baronet's (Sir J. Graham's) speech was principally taken up with what passed before the gallant Admiral left England; but the dinner at the Reform Club had been passed over very lightly. That dinner was a great blunder. He (Captain Scobell) was urged to attend that dinner, but declined. The conduct of high officers of the army was not criticised as that of the hon.

and gallant Admiral had been. If such officers were known in the gay world or in high life, they were, as in cases which were now occupying public attention, rather screened and sheltered than criticised or condemned. When the right hon. Baronet the First Lord of the Admiralty (Sir C. Wood) heard the name of General Jones mentioned, he immediately said that the fame of such an officer must not be lightly dealt with; but had the hon. and gallant Member for Southwark no fame to preserve, and had the right hon. Baronet and his friends been scrupulous as to attacking him? The hon. and gallant Admiral had not had fair play. Those who had opposed him had not adhered to the question before the House. That question was, would the House inquire into the management of the Baltic fleet in 1854 and 1855? It was said that Sweaborg might have been taken in 1854. Why, then, was it not taken in 1855, when the force of gun and mortar boats was much larger, and when the fleet was under the command of an Admiral who had been a Member of the Board of Admiralty? He must have known all the wishes and desires of that Board; why then did he not carry them out? In regard to the discussion, it must be remembered that the hon. and gallant Admiral (Sir C. Napier) felt neglected, if not insulted, by the order to haul down his flag and come on shore. Some allowance must be made for his feelings under such circumstances. Nor was he so good an orator as the right hon. Baronet (Sir J. Graham), who had made on this occasion a very clever and expert speech. Its only fault was, that it was too clever. The attention of the House was engaged by its adroitness, and was entirely led away from the real subject under discussion. He just mentioned—and only mentioned — Sweaborg, saying that the hon. and gallant Member for Southwark did not go near enough to reconnoitre. Of this he (Captain Scobell) could not judge, except upon the statements which had appeared in the public prints; but he was convinced, that the fleet of 1854 was, allowing for its size, and for its being a new fleet, which was always a badly manned fleet, quite equal in its operations to the fleet of 1855. At the same time he was aware that many of the ships were very badly manned. He had seen numerous letters from officers complaining of the smallness of the number of able seamen who were in the crews. That the men could hardly furl the sails, showed that they were not fit to go into action; and had the Russians attacked our fleet with superior numbers and better disciplined men, he did not know what might have been the result. To talk of no seamen being under five feet eight inches high was, however, nonsense. Neither the right hon. and gallant Member for Gloucester (Sir M. Berkeley) nor himself was that height; and our best seamen were men who were only five feet six or seven inches high. Long-legged men did not get up the rigging nearly so fast as shorter ones. With regard to the subject of bounty, he must say that if they had given a better bounty they would have got a better class of men for the fleet. He would not go into the question, whether the inquiry which was asked for would be injurious to the public service. Such an objection could only apply to a time of war; and if the inquiry were refused on that ground, it would of course be granted as soon as peace was made. Whether the inquiry should be granted or not, he hoped that his hon. and gallant Friend would leave that House as he had always entered it and every other place—without any imputation upon his character, as an honourable and upright English tar, and a brave and gallant Admiral.

Mr. MUNTZ said, he thought there was some discrepancy between the language used by the right hon. Baronet (Sir James Graham) on that evening and that which he had used on a previous occasion. In bringing in the Estimates after the campaign of 1854, he said that, with respect to what had passed in the Baltic, nothing could be more satisfactory. Everything had been done that was expected, and nothing had been lost. It was strange that, on that evening, the right hon. Baronet should have referred to circumstances which occurred long before he made those observations as grounds of complaint against the hon. and gallant Admiral (Sir C. Napier).

Mr. LINDSAY said, it appeared to him that neither the right hon. Baronet the Member for Carlisle (Sir J. Graham), nor the right hon. and gallant Member (Sir M. Berkeley), had answered the charges of his hon. and gallant Friend (Sir C. Napier). The principal complaint made by the hon. and gallant Member (Sir C. Napier) referred to the peremptory order to attack Sweaborg given by the Admiralty on the 4th of October. It was rather singular that that was the day on which the false intelligence of the fall of Sebastopol reached this country, and he could well understand the Admiralty, flushed with that intelligence, sending this order, which was entirely opposed to the opinions of the councils of war, and which, had it been acted upon, would probably have led to the total destruction of the British fleet. On the 9th of October, before they could have received an answer from the hon. and gallant Admiral, and while they were still in complete ignorance as to whether he had acted on their orders and attacked Sweaborg, they sent out other orders for him to return home at once with the whole of his fleet. What was an officer to do who was thus bewildered and perplexed with such conflicting instructions? In making these attacks on the hon. and gallant Admiral, it seemed to have escaped the recollection of the right hon. Baronet (Sir J. Graham) that the hon. and gallant Admiral was not alone in the Baltic, but was acting in concert with an ally, on whom any censure to which the hon. and gallant Admiral might be exposed for not attacking Sweaborg must fall with equal severity. But what baffled all comprehension was, that the first naval Lord (Sir M. Berkeley), who, it now appeared, had the meanest possible opinion of the gallant Admiral's conduct at Acre, should have deemed it consistent with his duty to support the appointment of the gallant Admiral to a position of such vast responsibility as the command of the Baltic fleet. That was a point on which a few words of explanation were urgently demanded.

MR. MALINS said, that having last year called the attention of the House to the circumstances connected with the hon. and gallant Admiral's command of the Baltic fleet, he could not allow the present debate to close without making a few observations on the subject then before the House. Certainly some of the matters brought forward that evening had struck him with great pain. He could not advert without feelings of great regret to the course adopted by the right hon. Baronet the Member for Carlisle, who, in ransacking the career of his (Mr. Malins') hon. and gallant Friend the Member for Southwark, seemed to have collected accusations which, if they were well founded, ought to have shown him in 1854 that the hon. and gallant Admiral should not have been selected to command the Baltic fleet. The House could not forget—the country assuredly could not forget—the confidence with which that right hon. Gentleman had taken credit for the appointment of the gallant Admiral. When he (Mr. Malins), on the 8th of March, 1855, brought the case of the hon. and gallant Admiral before the House, he quoted the speech of the right hon. Member for Carlisle, in which he took to himself the credit of having selected the hon. and gallant Admiral as the man best calculated to do honour to the country, and uphold her dignity in the war then waging. Surely, previous to the appointment of the hon. and gallant Admiral, if ever, was the right hon. Gentleman called upon to go through those materials which he appeared to have collected, in order to see if, taking his past history, the hon. and gallant Gentleman was what the right hon. Gentleman himself described him to be—the fittest man who could be selected to command the British fleet in the Baltic Sea. But if the conduct of the right hon. Gentleman the Member for Carlisle had been extraordinary, how should he (Mr. Malins) characterise the conduct of the right hon. and gallant Gentleman the First Naval Lord (Sir M. Berkeley) who came forward that evening and made a strong personal attack on an old Friend—who came forward in a spirit of the bitterest sarcasm towards the hon. and gallant Admiral, telling the House that, from his own personal observations at Acre, he (Sir C. Napier) was unworthy of the credit awarded to him in the history of his country for the part he took in that enterprise? The right hon. and gallant First Naval Lord had made a statement which he asserted to be grounded on personal observation, and which, if well founded, would show that, instead of having the credit of the great achievement at St. Jean d'Acre, the hon. and gallant Admiral should be disgraced for the part he had taken in that memorable victory. Yet that right hon. and gallant Gentleman was First Naval Lord when his (Mr. Malins') hon. and gallant Friend was selected to command the Baltic fleet. Now, how was it that the right hon. and gallant Gentleman had concurred in that appointment? That was a question which the right hon. and gallant Gentleman was bound to answer; for, as an independent English Member, caring for the quarrels of no party, but influenced only by a desire for what would benefit the country, he (Mr. Malins) asked, did not this dispute bring before England the fact that the greatest and highest of her interests had been trifled with? If at the time of the appointment of the hon. and gallant Admiral

(Sir C. Napier) the right hon. Gentleman the Member for Carlisle either was in possession of information which he had that evening disclosed to the House, or had the means of obtaining it, had he not, if that information were correct, trifled with the interests of England, in selecting for so high a trust and so responsible a position a man whom he now declared to have been unfit for such a command? If the right hon. Gentleman the Member for Carlisle had neglected to avail himself of information which he might have obtained, what should they say to the other right hon. Gentleman, who, knowing those facts from personal observation, had yet permitted the appointment of the hon. and gallant Admiral (Sir C. Napier) to take place—had permitted the honour and dignity of Egland to be sold? To what conclusion should the country come on such a state of things? It should come to the only one it could come to, to the one at which he had arrived, namely, that those two right hon. Gentlemen, belonging to a certain political party, had thought it their duty to select for the command of the Baltic fleet a man connected with that party, in order that they might go to their own political club and say that a gallant Member of that club was a man the country could boast of and one who was most competent to preserve untarnished the honour of the nation. The country had been inclined to give the right hon. Baronet the Member for Carlisle and the right hon. and gallant Gentleman the First Naval Lord credit for the appointment of the hon. and gallant Admiral; but he (Mr. Malins) should say, that unless some further explanations were given, the right hon. and gallant Gentleman the First Naval Lord stood condemned on his own admission of having concurred in the appointment of a man, who was not only unfit for the command which was given him, but who, from his antecedents, it might be calculated, would bring the country into discredit. Those were matters not to be trifled with; and he, therefore, called on the Government to explain the conduct of the right hon. and gallant Gentleman, the First Naval Lord. Had the right hon. Baronet the Member for Carlisle at the time of the hon. and gallant Admiral's appointment avowed to the Government that which he had that evening avowed to the House with reference to his knowledge of the career of the hon. and gallant Admiral; or if he had, was he believed or discredited by the Government? Or possessing the knowledge which he had now imparted to the House, had the right hon. Gentleman kept that knowledge to himself, and allowed the Government in ignorance of it to make the appointment? Again, with regard to the right hon. and gallant Gentleman the First Naval Lord he thought the House would not forget that about a year ago that right hon. and gallant Gentleman came down and avowed that the object of his own ambition had been to command the Baltic fleet. There were now many hon. Members present who had heard that statement, which had taken him by surprise, and had, he (Mr. Malins) thought, taken the House also by surprise. Yes, the right hon. and gallant Gentleman had on that occasion stated that the object of his ambition had been to command the Baltic fleet himself; that he had been a candidate for that command, but that he was bound to sink his own feelings for the good of the country; and that well knowing his (Mr. Malins') hon. and gallant Friend the Member for Southwark (Sir C. Napier) to be of all men to be found the fittest to command that fleet, he had withdrawn his own personal pretensions in that gallant Admiral's favour. He (Mr. Malins) asked those who had heard the right hon. and gallant Gentleman on the two occasions how they were to reconcile his two statements? He was forced to conclude that the right hon. and gallant Gentleman had on the present occasion allowed his personal feelings to be embarked in the matter, and had set up in his own favour matters of justification which had never before appeared to him in the light which he had then represented them. The right hon. Gentleman the Member for Carlisle, with great dexterity, had endeavoured to draw the House off the real question by a false scent. But there was one point which the right hon. Baronet had not answered last year, and which he had not answered that evening. He (Mr. Malins) did not go into the question whether the Admiralty had been influenced by the reported fall of Sebastopol. The English and French Admirals held a council of war early in the month of September 1854; and on the 18th of the same month a second council of war was held, at the instigation of the right hon. Baronet the Member for Carlisle. At that council the French Admiral had refused to attend, and before it was held he had returned with the French fleet and army. However, the English naval officers in the council of the 18th came to the conclusion that, independently of all other circumstances, the middle of September was too late to make an attack on Sweaborg. That determination was communicated to the Admiralty, and Government acceded to that proposition. But the right hon. Gentleman (Sir J. Graham) had not explained to the House how it had come to pass, that having that advice before them, they had commanded the gallant Admiral at the end of October, and after the French navy and army had left him, to select a fine day to do that which he had told them in September could not be done in consequence of the season being so far advanced. He could not but think that there was great inconsistency in the complaint that the hon. and gallant Admiral had not made a proper reconnaissance of Sweaborg in May, 1854. The right hon. Gentleman the then First Lord of the Admiralty, had suggested that evening that had he (Sir C. Napier) taken proper measures, Sweaborg might have been destroyed in 1854. Now, was not that allegation answered by the fact that it was with difficulty the task of destroying Sweaborg had been, to a certain extent, effected in 1855? He did not think that with all his ability and ingenuity, the right hon. Baronet the Member for Carlisle had made out his case; but in the present state of public affairs, and after the discussion that had taken place, he would recommend his hon. and gallant Friend (Sir C. Napier) to withdraw his Motion. Now, that the matter had been so fully debated, he would advise him to allow it to drop, resting assured that the British nation would do him justice. Although possibly when appoaching the age of seventy years, as he had been when appointed to the command of the fleet in 1854, the hon. and gallant Admiral did not possess as much energy as he had possessed in earlier life, still he (Mr. Malins) believed it would be found that the hon. and gallant Admiral had done all that circumstances had permitted him to do; and was entitled to all the credit which the noble Lord at the head of the Government had given him when the matter was brought forward on a former occasion.

MR. BERNAL OSBORNE: Sir, I quite concur with the hon. and gallant Member for Bath (Captain Scobell) in thinking that, upon every consideration, this discussion is most unfortunate; and, indeed, I conceive that it is not altogether creditable to the House. But, then, we are bound to ask ourselves, who has been the cause of its introduction? The hon. and gallant Member for Bath, with that chivalry which is not only characteristic of his profession, but is shared in, I am sure, by every Member of this House, came forward and threw his protecting *ægis* around his hon. and gallant Friend the Member for Southwark. But he appears to have forgotten that that gallant Admiral began his speech by not only impeaching the veracity and the honour of my right hon. Friend the late First Lord of the Admiralty, but by imputing to him political cowardice, and ended by charging him with something like high treason. Was the right hon. Baronet the Member for Carlisle, who has for months past been maligned and calumniated by almost every newspaper in the country, to sit calmly down under these accusations without coming forward to vindicate himself? And am I, who have known his unremitting exertions while at the Admiralty, and am proud to call him my Friend, to be content to see the right hon. Gentleman made the object of such unsparing attacks without venturing to offer so much as one word in his defence? The strictures which have been passed upon my right hon. Friend's speech tonight seem to me to be somewhat uncalled for. Again, any one would suppose, from the tone adopted by the hon. and gallant Member for Bath, that my right hon. and gallant Friend the First Naval Lord (Sir M. Berkeley), instead of having confined himself to the defensive, had on this occasion been the unprovoked assailant of the hon. and gallant Member for Southwark. But what did that hon. and gallant Member venture to say of the judgment of the First Naval Lord? Why, he not merely impugned my right hon. and gallant Friend's professional skill as an Admiral, but he also declared that he is not fit to sit at the Admiralty Board. Is my right hon. and gallant Friend also to submit tacitly to hear himself thus grossly aspersed? I think the hon. and gallant Member for Bath must therefore have allowed himself to be so carried away by his generous predilections for the hon. and gallant Admiral (Sir C. Napier) as to have wholly lost sight of the justice and truth of the case. One remark of an hon. Member below me (Mr. Lindsay) calls for an answer. That hon. Gentleman evidently did not hear the latter part of the order despatched to the gallant Admiral on the 4th of October, 1854, by the Board of Admiralty, for he says it was a peremptory order, issued in consequence of the arrival of the erroneous intelligence as to the fall of Sebastopol. Here are the concluding words of this order. [Sir C. NAPIER: I read them to the House myself.] Yes, but owing, no doubt, to physical infirmity, you dropped your voice so low that the close of the passage was perfectly inaudible at the other end of the House. The words of the order therefore ran thus:—"The final decision must entirely rest with yourself. If an attack upon Sweaborg, under present circumstances, be desperate, it must upon no account be undertaken by you. If, calculating on the ordinary chances of war, and allowing full consideration for the strength of the enemy's fortress and his fleet, you should still be of opinion that it can be laid in ruins, it will be your duty, with the concurrence of the French Admiral, not to allow the opportunity to escape you." [Sir C. NAPIER: The French Admiral had gone then.] I think, therefore, that I have now disposed of the assertion that this was a peremptory order. The hon. and learned Member for Wallingford (Mr. Malins), who spoke with something of the adroitness of a special pleader—[Mr. MALINS: I am not one.] Then you ought to be. The hon. and learned Gentleman animadverted on the dispute which occurred between my right hon. and gallant Friend the First Naval Lord and the hon. and gallant Admiral (Sir C. Napier) at Acre; but are we to be told that any difference on a mere question of naval science—for that was the whole point at issue—was any reason why the hon. and gallant Admiral should be deemed ineligible for the command of a fleet? Why, only a man highly practised in the profession of the hon. and learned Gentleman, and who had formerly held a brief in this very case, could have dreamt of such a thing. But, in truth, my right hon. and gallant Friend (Sir M. Berkeley) had nothing to do with the selection of the hon. and gallant Admiral for the command of the Baltic fleet; and when the hon. and learned Gentleman becomes a Member of any Government—which I hope he speedily may—he will know that such an appointment is made a Cabinet question. The whole gist of this matter, therefore, is, whether an error of judgment—to use no harsher term—was committed by the hon. and gallant Admiral in not making a closer reconnaissance of Sweaborg at an earlier period. If he had done so in May, when he pronounced both Sweaborg and Helsingfors unassailable by sea, then time would have been given to send him the mortars requisite for the bombardment. Nobody says that the hon. and gallant Admiral would, in that case, have necessarily taken Sweaborg, but he might have accomplished what was effected in 1855. I think, therefore, that he showed an error of judgment, and beyond that point it is not for me to press the question. If the hon. and gallant Admiral has been treated harshly by anybody, it certainly has not been either by the right hon. Baronet (Sir J. Graham) or the right hon. and gallant Gentleman the First Naval Lord; but the greatest injury inflicted on him was by himself when he rashly obtruded the discussion of this question on a former occasion, when his thoughts ought to have been directed less to Marylebone and more to Sweaborg.

SIR CHARLES NAPIER, in reply, said, that with respect to the conduct of the attack upon Acre, he denied having advised Sir Robert Stopford not to attack —on the contrary, he always counselled an attack upon Acre; and he dared say that there were records at the Admiralty that would prove it. As a proof that his services were appreciated by Sir Robert Stopford, he might remind the House that, in the absence of Sir Charles Smith, he (Sir C. Napier) was entrusted with the command of the army, consisting of 10,000 men. He commanded the army at Sidon, he defeated Ibrahim Pasha and freed Lebanon. Now, with respect to Acre, he was surprised to hear the right hon. and gallant Admiral (Sir M. Berkeley) make the statements attacking him as he had done. At first it was determined that one division of the fleet should attack the south side of Acre, and the other division the western side, but upon going in the wind failed. He saw that and went in on the north side. At Acre he had acted on the experience and example of Lord Nelson, Admiral Collingwood, Sir James Saumerez, and others. But he thought, that when the right hon. Baronet (Sir J. Graham) and the right hon. and gallant Admiral opposite had gone back to what took place at Acre, twenty years ago, on a Motion respecting the Baltic campaign of 1854, they had acted in a most unjust, ungenerous, and he would say more—a most unfair way. With reference to that campaign, and the treatment he had received, he would say that the right hon. Baronet had not answered a single charge which he had made against him. He had, as usual, made the speech of a special pleader, and left every substantial point untouched. The right hon. Baronet accused him of not having reconnoitred Sweaborg, and sent him information at a certain period. Why, he did not enter the Gulf of Finland until the 20th of May, and only entered Hango on the 2nd of June. The right hon. Baronet said he had shown great unwillingness to enter the Gulf of Finland, when the fact was that, though he had twelve sail of the line with him, he entered that gulf with only seven sail of the line, to see if he could entice the Russians out to meet him. On the 30th of May he had not even seen Sweaborg, and at that date any information respecting it which he had, was entirely derived from the charts sent to him, not by the Government, and not by the Government of Sweden, but by a friend he had in Sweden. He went to Sweaborg on the 12th of June, being entirely ignorant of its actual state, and immediately employed the master of the fleet, with three vessels, to sound, survey, and make a report to him. The principal report, therefore, which he sent to the Government on that subject, was on the 18th July, in which he gave an account of what it was, and how it could be attacked. The right hon. Baronet accused him of not attacking Sweaborg, but he forgot that at that time there were neither gunboats nor mortars in the Baltic, and that from the beginning of July to the end of August were almost the only two months of the year that could be depended upon. He, therefore, said, the statement of the right hon. Baronet was unjust and incorrect. With respect to the statement that he had made repeated applications for employment, he had not the slightest recollection of the fact. They all knew the talent of the right hon. Baronet as a special pleader, and would not be surprised at his attempts to turn his (Sir C. Napier's) letters into ridicule, but as to the complaint which had been made of his using the right hon. Baronet's private letters to him, he had already said that when he found the right hon. Baronet, before the Sebastopol Committee, claiming the right of making officers' private letters public ones, he claimed the right, as an officer, to make the private letters of the First Lord of the Admiralty public letters also. In the position he was placed, he would ask what other course was open to him? He had demanded a court martial, and it had been refused to him. Where else was he to come but to that House to get redress, or a fair hearing? When letters were written, and statements made, for the purpose of destroying his reputation, was he not to protect himself? But the letters which he had read had been, although private, upon public affairs. The right hon. Baronet had not stopped at that point, but had read letters which were perfectly private, and in which he had stated confidentially his opinion of the efficiency of officers under his command. If such letters were to be used in that way, how could it be expected that any Admiral in command of a fleet would ever communicate unreservedly with the First Lord of the Admiralty again? As to what had been said about attacking stone walls, the right hon. Baronet, and the right hon. and gallant Admiral the First Naval Lord, and every naval officer in the House knew, as well as he did, that, if they had been at Sweaborg with his means, they would no more have thought of attacking it with the means at his disposal, than they would have thought of flying up to the moon. The right hon. Baronet had counted upon the fact that, notwithstanding his anxiety to bring forward this Motion, it had been so repeatedly put off. That was another specimen of the fair play of the right hon. Baronet, who knew as well as he did what the real cause of delay had been, namely, that each night the Motion had been on the paper there were so many before it, that it never could be called on until at an hour too late to discuss it. But then he was asked, why not bring it on on a Supply night? His answer was, that a Supply night was not favourable to the fair discussion of such a question, and besides, he should have been deprived of the advantage of a reply had he made his Motion on a Supply night. With reference to General Jones, he denied the statement of the right hon. Baronet, that he had said anything disparaging to his character. All he had said was, that the advice he gave at Sweaborg was wholly impracticable, and in that opinion he was sustained by the opinion of a French Marshal, a French General of Engineers, and a French Admiral. The real truth of the matter was, that the letter written to him by the right hon. Baronet, on the 4th October, was sent immediately after the hoax of the fall of

Sebastopol. The letter of the 8th was written when that hoax was exposed, and, in fact, so far from ordering an attack on Sweaborg, the Government immediately telegraphed to bring the fleet home to England. If he had, as the right hon. Baronet said, lost his nerve, it was not from any failure—he would not say, at his years, of his strength, but of his will—and if his nerves were affected at all, it had been by the treachery of the Admiralty, whose letter of the 4th of October was well known to all the officers in the fleet to have cost him many sleepless nights. As to the statement that he had not been sent to the Baltic again, because he had been turbulent and insubordinate, he could only say, that his successor, in not taking Sweaborg, had been equally turbulent and insubordinate. As to the charts and pilots, the only charts of the Baltic he had when he went out were general charts, wholly useless with reference to the actual navigation, the shoals, currents, and soundings of the sea. With respect to the pilots, most of them were sent home again, and he did not believe that more than two or three of those who first went out came home again with their ships. He had now done what he thought proper for his own credit and reputation. He had in doing that to bring down the late First Lord of the Admiralty, the present First Lord, the Senior Naval Lord, and the Secretary, all upon one poor Admiral; but after all that had been said, he had to complain that not a single charge he had made had been answered, while the right hon. Baronet had been obliged to resort to special pleading, and a total perversion of the language of his letters, in order to damage him, if possible. He had no other means of justifying himself but that which he had adopted. The course which had been pursued towards him was disgraceful to a public department. The treatment he had received was scandalous and disgraceful; but, having stated his case to the House, he would not trouble it to divide, but beg leave to withdraw the Motion.

Motion, by leave, *withdrawn.*

DRAUGHTS ON BANKERS BILL.

Order for Second Reading read.

Mr. PELLATT said, that the mercantile public were very anxious for the passing of the Bill. The committee of London bankers and the committee of the Stock Exchange were in favour of the Bill, and the Directors of the Bank of England were at least neutral. He, however, must now propose to postpone the second reading of the Bill until the 2nd of April.

Mr. MASTERMAN said, that the public asked for nothing by the Bill but the continuance of a practice which had prevailed from time immemorial. The Bill was not specially demanded by the bankers to protect their interests, but was necessary for the protection of the community at large.

Mr. WILSON said, he would consider the Bill during the recess. It would be necessary to take care that the Bill did not interfere with the Stamp Act, and that it carried out the object for which it was designed.

Second reading *deferred* till *Wednesday,* April 2.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 14, 1856.

Minutes.] Public Bills.—1ª Church Discipline.

2ª Secretary to the Poor Law Commissioners (Ireland).

PROPERTY AND EARNINGS OF WOMEN —PETITION.

Lord BROUGHAM: I have had the honour, and I regard it as a distinguished honour, of being entrusted with a petition from above 2,000 of our fellow countrywomen, of various stations, and I now entreat the best attention of your Lordships to its statements and its prayer. They complain of the state of the law respecting women, of inconsistencies so gross, of defects so glaring, of iniquities so grievous, that I cannot suffer them to be called anomalies, and wrapt up in the convenient obscurity of the term not unfrequently used without any definite meaning. The petitioners complain of the law, and I denounce its state as a disgrace to a civilised, not to say a Christian community. The load, too, which the cruel, the scandalous injustice of our system imposes, the sufferings which it inflicts, fall upon the most deserving classes of the people, those in humble condition and of the middle ranks somewhat above them, who earn by their honest industry the means of their subsistence. I claim your attention to their case, because it can never be your own, because your wives and your children are, happily for you, exempt from feeling the most grievous of the evils whereof the petitioners complain. But remember, I pray you, the lot of a woman toiling through days — not seldom nights too — of hard labour to support her own and her children's existence, whom an idle or a profligate husband has deserted, and doomed to see the little store which her exertions have gathered together swept away by that idler or good-for-nothing, in the exercise of his legal—I blush for our jurisprudence when I am compelled to admit his strictly legal—rights as a husband, the character to which his conduct has forfeited all claims, but with whose privileges the iniquity of our law has clothed him. Nor is it only our humbler countrywomen who have this cause of complaint; there are those to think of whose position is yet more painful—women of skill, and of accomplishments most admirable, as well as of industry above all praise—artists and authors, fitted to delight and instruct us by their works, and who are exposed to the hazards which I have faintly endeavoured to describe. From the tyranny of the law, and of him whom the law arms with the power of oppressing, they have no means of escape, unless they would pass the line that separates duty from guilt, and, even then, if thus defied, the husband cannot loosen the bond that ties them, unless he has a fortune sufficient to undergo the costs of the Consistorial Court, and afterwards of both Houses of Parliament. But for the wife there is no such remedy, even if she had the means of paying its expenses; while the husband may pass the bounds of the line I have referred to as freely as he may do any perfectly indifferent and innocent act, and the wife has no power of obtaining redress, much less of dissolving the tie, become now an intolerable burden. My noble and learned Friend (Lord Lyndhurst) last Session gave me a kind of pledge that he would apply his practised skill, his experienced understanding, to provide a remedy for evils so universally confessed. If I thought that he might after the recess redeem this pledge, it would be an unspeakable comfort to me; and if my present appeal to him is attended with this result, I shall feel satisfied that the petition of our countrywomen has not been intrusted to me in vain.

COUNTY COURTS.

LORD BROUGHAM begged leave to repeat the expression of his thanks to his noble and learned Friend (the Lord Chancellor) and the other members—his (Lord Brougham's) colleagues of the Statute Law Commission—for the manner in which they had examined his Religious Liberty Bill of last Session, postponed in order to undergo that examination. The result had been their proposing three Bills to repeal the statutes, or parts of statutes inconsistent with religious liberty, respecting the propriety of repealing which no question could arise. The objectionable, and, in some instances, obsolete enactments were fifteen in number, and the three Bills which he had presented to their Lordships repealed all these, including the penal clauses, hardly ever enforced, but which he had likened to torpid snakes, ready to be warmed at any time into noxious life by evil passions or misguided zeal. But of the 104 others, which his Bill of last year proposed to repeal, many could raise no more serious question than the fifteen—and the Commissioners had not at all considered that many more of them should be passed over. He wished once more to press upon his noble Friends opposite, and especially his noble and learned Friend, the great subject of law taxes, especially those affecting the County Courts. When he so often renewed his demands for the removal of this grievance, and trusted to the effects of reiterated attempts, of oftentimes repeated blows—reminding them of the well-known line—

> "Gutta cavat lapidem non vi, sed sæpe cadendo,"

he intended nothing like a comparison of his noble Friends to stocks and stones, long as they took to be affected by his feeble efforts—it was applying to himself the *non vis*, and not to his noble Friends the *lapidem*. However, he trusted that at length he might hope to find he had made some little impression upon them. The subject was of incalculable importance, and one in which the country took the greatest interest.

THE LORD CHANCELLOR said, he would not renew his promise that it should be done, for it had already been done by the Bill which he had presented to their Lordships on Tuesday last, but without stating the nature of its provisions. It contained, among other things, the part required for the relief of the suitor in the

County Courts, but, of course, in the usual form of a suggestion to the other House, where the money part of the measure must originate.

THE TWENTIETH REPORT OF THE INSPECTORS OF PRISONS.

The Earl of SHAFTESBURY, in rising to bring under the attention of the House the Twentieth Report of the Inspectors of Prisons, said, that in these days, when so much stir was being made about the reformation of criminals, their Lordships were bound to take all possible care that our prisons and houses of correction were made as effective as possible for the reform of the persons detained in them. If, however, many of the prisons throughout the country were to continue in the state in which they now were, not only with respect to sanitary considerations, but likewise as to moral considerations, prisoners would issue forth from them in worse bodily health and in a more degraded condition morally than they were when they entered within their walls. It would, however, be found that, in many of these institutions, not only were the prisoners injured in health by the defective prison arrangements, but that they were greatly demoralised by their confinement. The first Report with which he would trouble their Lordships, was the Report of a most intelligent inspector, Mr. Perry, on the county gaol and house of correction at Brecon. Mr. Perry said—

> " No steps whatever have been taken to remedy the demoralising evils, or to avoid the habitual violations of the law which have been so often alluded to in my reports as occurring in this prison from the very inadequate cell accommodation. There is not a single night in the year in which a large number of male prisoners are not lodged two in a cell, and even two in a bed, and this, too, in defiance of repeated remonstrances from Secretaries of State."

The inspector then went to Carnarvon, and said of the county gaol and house of correction there—

> " No change whatever having been made in this ill-constructed prison since the date of the last report, the numerous evils complained of in former reports remain in full force. Two male prisoners are constantly put in cells not large enough or airy enough for one; the palliation of this violation of the law being, that it would be impossible to put a third prisoner into them. The debtors still occupy a day-room, so placed as to admit of their obtaining opportunities of seeing and conversing with the female prisoners and officers."

The Lord Chancellor

The next county gaol was that at Cardiff—

> " As the number of cells for male prisoners is only thirty, and those for females twenty-five, and as the number of prisoners in confinement at one time has amounted to eighty-five males and forty-one females, and even the average daily number to fifty-five males and twenty-eight females, nothing need be added to prove the inadequacy of the accommodation to meet the continual demand for room."

The inspector added—

> " The prisoners were all associated together in the most demoralising manner, without any kind of employment; the law, which requires that prisoners not sentenced to hard labour shall be provided with labour not severe, being entirely disregarded, as well as that which requires that untried prisoners should be employed if they desire it. The untried prisoners being questioned by me, several of them declared that they would rather be employed than idle, but that nothing was given them to do. Another manner in which the provisions of the law are disregarded in this prison is in the putting together of untried and convicted prisoners. The excuse alleged for this is the want of room. This may sometimes be alleged with more reason than on the day of my visit, when I pointed out how it might easily have been avoided."

There could be no hardship greater upon innocent persons, and no practice more demoralising than putting together the tried and untried prisoners. [A noble Lord: It is against the law.] The inspector reported to that effect, but no attention was paid to his representations. Then, if he referred to New Radnor, he found the following remarks upon the borough gaol and house of correction at that place—

> " This gaol was in a very filthy condition at the time of my last inspection, which I was the more sorry to see as the keeper had promised me at my previous visit that it should never again be in the dirty state I then witnessed. There were no prisoners in confinement, but two donkeys and a large hog were occupying the airing yard, which afforded the plainest proof that it was their ordinary place of residence, although it was intimated to me that they had only been there for a few minutes. One of the two cells was used as a store-room for onions and all kinds of lumber. The cells were very dirty, the iron bedsteads in a ruinous state from rust and neglect, and the scanty allowance of bedding was so filthy and neglected that a cloud of dust was raised in moving it for my inspection. Having been constantly assured by the keeper that no prisoner is ever retained in this prison after he has been before a magistrate, but that all are immediately removed to Presteign—a statement which seemed to be confirmed by the annual returns made to me, in which the number of prisoners committed for trial and of those summarily convicted is stated as *nil*—I have been much surprised to

learn from other sources of information that cases have occurred in the last year of persons summarily convicted having been retained there during an imprisonment of fourteen days, and that during the time comprehended in returns of the kind alluded to one prisoner at least has been there for two months."

So much for Wales. The inspector then passed to the city of Exeter, where he reported as follows, relative to the city gaol and house of correction there—

"The prisoners, on being questioned, made no complaints. None of them were employed in any manner, with the exception of one man who was working at a hard-labour crank, but all were herded together, without any supervision, in small day-rooms, as described in every report upon this prison for many years past. In addition to the ordinary objections to this inappropriate prison, it may be mentioned that, the numbers confined being unusually high at the time of my visit, sleeping cells intended for only one prisoner contained no less than four. If the object and end of imprisonment were to foster and encourage the growth of crime, it would be difficult to invent a more efficacious system than that which prevails in this prison, and this within a few minutes' walk of one of the best prisons in the kingdom—the Devon County Gaol— in which there is sufficient room to receive all the prisoners of the borough, and where the appliances of a wholesome discipline might be extended to them, in place of the demoralising influences to which they are now exposed. As there is no prospect of this prison being rebuilt, and as the rebuilding of it would only involve a useless waste of money, when the prisoners could be better and more cheaply accommodated at the county gaol, it is my duty to repeat the recommendation so often made before, that terms should be made with the county magistrates for the reception there of the borough prisoners."

If the object were to foster and encourage the growth of crime it could scarcely be accomplished with greater certainty. He would not detain their Lordships by the reports upon the borough gaols of Bradninch and Dartmouth, and the last report he would advert to referred to that abomination the county gaol of Aberystwith. Many complaints had been made of its unfitness for a gaol, and special representations had been made to the Secretary of State, but these representations and the repeated remarks of the Recorder were quite disregarded. Notwithstanding its deficiencies, however, prisoners were detained in it for a great length of time, instead of being sent, as they should be, to the county gaol of Cardigan. One case had occurred in which a prisoner had remained in this pound for twelve months. The inspector said—

"At the time of my last inspection, on the 13th of October, the only person in confinement was Sophia Jones, a mad woman, put there for safe custody, on account of her insanity, without any warrant or order of court charging her with the commission of any offence. Upon inquiry I found that this was not the only instance of the kind, two other cases having occurred since my last inspection of the prison in which it had been used by the borough as a lunatic asylum."

He could only bring these facts before their Lordships in the hope that the subject might attract the attention of the Secretary of State for the Home Department, through whose great authority and influence a remedy for such abuses might be speedily brought about. If he were in order, he should move—

"That an humble Address be presented to Her Majesty for Copy of any Communication between the Secretary of State for the Home Department and the Inspectors of Prisons with respect to the Twentieth Report of the Inspectors of Prisons."

Earl GRANVILLE said, that the House must be very much obliged to the noble Earl for having directed its attention to an object of so much importance. He was afraid, however, that in hardly any of these cases had the Secretary of State for the Home Department the power of applying a remedy. He had no doubt, however, that the right hon. Gentleman would make the strongest appeal to the justices, and that he would exercise, as far as possible, the limited degree of power which he possessed to remedy these abuses. He knew that it was his right hon. Friend's intention to bring these complaints before the proper authority, but he was afraid the answer to any Motion for correspondence would be *nil*, since the Report had only been presented a few days ago. His noble Friend was doing a great public service by bringing his attention to bear upon these cases where the local authorities neglected their duty. If objections were felt, and perhaps properly felt, to giving greater power to a centralised authority, the only remedy was to give the greatest publicity to those cases where the local authorities failed to perform their duty.

The Earl of DEVON made a few observations, which were inaudible.

Lord PANMURE said, that they ought to feel grateful to the noble Earl for bringing the subject under their consideration. He wished, however, to observe that they managed these matters in Scotland much better than in England; the machinery they had there was better than here. In Scotland they had not only inspectors of Prisons, but in every county there was a local board responsible to a central board at Edinburgh; which board was again responsible to the Secretary of State, to whom a final power was given by the Legislature. The result of this arrangement was, that the prisons in Scotland, from being previously in the worst possible state, were now in a much more improved state than in England.

Motion, by leave of the House, *withdrawn.*

LIBRARY OF THE LATE LORD TRURO.

The Marquess of LANSDOWNE then rose to call the attention of the House to a letter he had received from Lady Truro. The noble Marquess said: My Lords, I am desirous, before the House shall separate for the holidays, to make a communication to your Lordships, which you will no doubt hear with much satisfaction. I allude to a letter which I have received from Lady Truro, the widow of our late noble and learned Friend, who for several years sat in this House, both as Speaker and Lord Chancellor. The terms of that letter I shall, with your Lordships' permission, read to the House—

> "Eaton Square, 6th March, 1856.
>
> "My dear Lord,—Lord Truro left a Library of Law Books, a Collection made during many Years with great Care. It is my Wish, in honour of his Memory and in remembrance of his legal Attainments, this Library should be preserved, and at the same Time be rendered useful to those who were familiar with his last Labours.
>
> "Allow me therefore to request your Lordship to offer this Library to the House of Lords, trusting that their Lordships will, if they do me the Honour to accept it, direct it to be placed as most effectually to secure the Objects I have in view.
>
> "I am, my dear Lord,
> "With high Esteem,
> "Yours very sincerely,
> "Augusta E. Truro.
>
> "The Marquess of Lansdowne."

My Lords, if I am asked, as it is probable I shall be, how it comes that this distinguished Lady has made me the channel through which this offer should be conveyed to your Lordships, I am desirous of making a few observations. I can only say, I must presume that it is owing to the circumstance of my having been for several years the colleague of that distinguished, learned, and noble Lord. During the time the late noble and learned Lord presided on the woolsack I was the leader in this House, though not certainly in another sense, of those with whom he was then politically connected. In that capacity I can do no other than bear the strongest testimony to the great impartiality, the great wisdom, and the great justice which characterised him while he presided in this House. My Lords, I am also anxious to bear my testimony to that part of his character with which I became more particularly cognisant—I allude to that great spirit of justice and fair play with which he administered the patronage which was incidental to his high office, and to the careful discrimination with which he selected the persons to whom it devolved upon him to extend the favour of the Crown. To that portion of his character I am as competent to speak as any man; but there is another portion of his career of which I can only speak upon the authority of others. I allude to that portion of his character which undoubtedly gives the greatest value to the splendid donation which his widow is now prepared to make to this House. I believe I shall be supported by the authority of all those most competent to judge upon the matter when I say, that from universal report I have always learned that Lord Truro was, both as a lawyer and a Judge, one of the most painstaking, one of the most conscientious, one of the most industrious of men, whether we view him as regards the interests of his client while practising as an advocate at the bar, or as regards the still larger interests of public justice while sitting as a Judge upon the bench. He never spared himself any trouble, and he felt that it was his duty to examine thoroughly into all the facts of the case with the view of arriving at a just appreciation of its character. I allude to these circumstances because I know I shall be borne out in the statement I have made by the testimony of those whose authority and experience are much greater than mine. Indeed, it is only within these few days that I received the authority of a most celebrated and eminent lawyer, who was examined before a Committee of this House, and who had practised before the late noble and learned Lord, and who stated that a more painstaking, industrious, and impartial Judge had never sat upon the bench. Now, I say that that fact bears particularly upon the value of the donation which Lady Truro has offered to make to us, because, in addition to, no doubt, the very valuable and extensive law library which Lady Truro is desirous of placing at our disposal, I am informed that many of these books have been largely commented upon, and contain extensive manuscript notes in the late noble and learned Lord's handwriting. Your Lordships will no doubt agree with me in thinking, that this circumstance adds great value to the law library which is to be placed under your Lordships' roof. I will add no more to the statements I have made, because I know that I can refer to the unanimous testimony of others as to the merits of Lord Truro. If your Lordships will, therefore, permit this letter to be laid upon your Lordships' table with the view of referring that same letter, and the subject to which it refers, to the Library Committee, for the purpose of carrying into effect Lady Truro's wish and intention, I shall now conclude with a Motion to that effect.

LORD LYNDHURST: My Lords, I cannot resist this opportunity of adding my thanks with those of the noble Marquess to Lady Truro, for the valuable donation she proposes to make to this House. I know myself very well, that the late Lord Truro never spared any trouble or expense in his endeavour to complete his law library. The donation will be the more valuable, inasmuch as the library of this House, though extensive, is far from being perfect in this branch of learning. Nor can I let this opportunity pass, notwithstanding the eulogium expressed by the noble Marquess upon the merits of the late Lord Truro, without saying a few words. The late noble and learned Lord was profoundly learned in the law. He was a ripe and full scholar. But notwithstanding his extensive learning, in every case of any importance that came before him, either as an advocate at the bar or as a judge upon the bench, he was always influenced by a conscientious desire of performing his strict duty in the relative position in which he stood—he always paid the greatest care, attention, and indeed I might almost say unexampled industry, in the investigation of every fact. My Lords, Lord Truro was not originally educated for the bar. He began life as a solicitor; but conscious of his powers, and with a proper and laudable ambition, he felt desirous of leaving the profession in which he then moved, to attach himself to the superior branch of that profession. He was accordingly called to the bar. He soon acquired distinction, not only on the western circuit, but also in London. There was one curious fact connected with Lord Truro, which I am desirous of mentioning. The late noble and learned Lord had always experienced a great difficulty in pronouncing certain words. Now, I have this fact from his Lordship's own lips. He had a great impediment which rendered it almost impossible for him to utter certain words. He, however, overcame this difficulty with that characteristic perseverance and ingenuity which corresponded with his general disposition. He framed, in the first instance, a list of words which he found it difficult to utter; and in the next, as many synonymes as he could collect; and when one of those words arose in his speech, and which he found it difficult to give utterance to, he on the moment dismissed it, and substituted a synonyme; and it is most remarkable that so great was the address and readiness with which he effected this change, that no interruption whatever took place in his discourse, nor could any person discover the infirmity under which he was labouring, unless he had been previously informed of the fact. After the usual time, the noble and learned Lord was created a serjeant-at-law, whereby he was placed at the head of his circuit, and also became a leader of the Court of Common Pleas. From that time, beyond all dispute, he had the supreme command of his circuit as well as of the Common Pleas, and in every case before either of these tribunals there was always a fierce competition amongst the suitors, who should obtain the advantage of his assistance as their counsel. I think it was in 1839 that he became Solicitor General, and in a year or two afterwards was appointed Attorney General. My Lords, I am told—for I was not a Member of the House at that time—that in every argument or discussion in respect to any question of law relating to constitutional privilege in the House of Commons, the late Lord Truro was remarkable for the clearness, great force, and extent of learning which he displayed. I remember the late Sir Robert Peel, who was perhaps as good a judge of merit as any man of his day, stating to me on more than one occasion the very high opinion which he entertained, in respect to questions to which I referred, of the talents and attainments of Lord Truro, and more particularly in respect to the manner in which he treated that most important question which had agitated the other House of Parliament for some time—I mean the question of privilege. When the Lord Chief Justice Tindal died, the late Lord Truro was raised to the bench in the Court of Common Pleas, and in about four or five years afterwards he was placed upon the woolsack as Lord Chancellor of England. I think I may venture to say, in confirmation of what the noble Marquess has stated, that whether we view the late noble Lord as presiding in a court of common law, or in a court of equity—with which he was not so familiar as with questions of common law—he displayed the greatest patience, the greatest acuteness of intellect, and the greatest impartiality that it was possible to display in the administration of justice. Such was his care and circumspection in the preparation of the judgments delivered by him, both in the courts of common law or in equity, that they have been always considered master-pieces of learning and argumentative disquisition. My Lords, I can also state that the late Lord Truro was most disinterested in respect to pecuniary matters. It was very usual for him, when any case of special importance was entrusted to his care, to direct his clerk not to accept any other brief with reference to pecuniary emoluments, until he had made himself completely the master of the complicated questions involved in the particular case which he was considering. A remarkable instance of his disinterestedness occurred in reference to one particular case in which an intimate friend of his was concerned. He travelled to the uttermost part of England, in order to conduct the case for his friend, and refused to receive any remuneration for his time and trouble. His conduct in public life is before the House. He was anxious and zealous in the cause of justice, and he was also equally anxious to reform, as much as possible, what was amiss in the laws of the country. I am authorised, from the intimate acquaintance I have had with him, to say that he was a fast friend to the principles of the constitution. He was very candid and impartial in discussion. He was kind-hearted, benevolent, and generous, and kind to all around him. He bore a long and painful illness with great patience and fortitude, and, conscious that he had not lived in vain, he met his end with calmness and resignation. I trust, my Lords, I have not deviated from the question before the House, in addressing these few words to your Lordships upon the career and character of an able and an eminent man—one who not long since occupied so distinguished a position in your Lordship's House.

The LORD CHANCELLOR: I feel that nothing which I can say will add to the universal feeling of respect and sympathy which the noble Marquess has excited, and which the noble and learned Lord who just addressed us has confirmed. I merely rise to exclude an inference from my silence, that I do not acquiesce in what has been said by those noble Lords. Lord Truro, whom I was proud to number among my friends, was, I verily believe, one of the most conscientious men that ever lived. I never knew a man so entirely devoted to the interests of justice as Lord Truro; and I must add one observation to what has fallen from my noble and learned Friend (Lord Lyndhurst), that, although Lord Truro was comparatively new to the doctrines of equity when he became Lord Chancellor, he devoted himself with characteristic assiduity to make himself master of the principles which guide the proceedings of courts of equity. He never allowed a veil to be cast, as it were, over his words, in order to conceal any imperfection, but always exposed his ignorance upon any particular subject, so that he might sift the matter to the bottom and make himself master of it before coming to a decision. There is one other point to which I must allude. Although my late noble and learned Friend was not so familiar with the doctrines of equity as with those of common law, yet it must be remembered that it is to him, or to his chancellorship, that we owe the great reforms which were carried out immediately after he quitted the woolsack. He issued the great Chancery Commission which led to those reforms; and, although I do not wish in the least degree to detract from the merits of my noble and learned Friend (Lord St. Leonards) under whose chancellorship the reforms to which I refer were carried into effect, yet it was during Lord Truro's tenure of office that they were introduced. He devoted himself eagerly to the reform of the Court of Chancery; with the assiduity, patience, and perseverance which characterised him, he laboured to accomplish those reforms which have happily since been carried out.

Earl GREY: I rise to mention a circumstance in confirmation of what has fallen from the noble and learned Lord (Lord Lyndhurst) as to the remarkable disinterestedness which distinguished the late Lord Truro. The noble and learned Lord has referred to the great pains and ability displayed in the other House by Lord Truro, upon the celebrated occasion of the question of privilege respecting the printing of papers. I had the honour, as a Member of that House, to be placed in the chair of the Committee to which it was referred, to consider the course which the House should follow; and I can say that, although I was in the chair of the Committee, the labour of conducting the investigation fell entirely upon Lord Truro, who devoted himself to the subject with an ability which it is impossible for me to describe; and I was told at the time, not by Lord Truro—but I have no reason to doubt the accuracy of my information—that in order to enable him to devote his whole energies to that task of public utility for which he received no pecuniary remuneration, he returned a very large number of briefs which had been before handed to him and which would have produced him considerable remuneration. I cannot but think that is a devotion to a sense of public duty which very few men indeed would have displayed. I thought it was a circumstance so honourable to Lord Truro, that when the noble and learned Lord opposite mentioned the subject, I thought it was my duty to state it to the House.

THE EARL OF DERBY: It would be a simple impertinence on my part if I were to add anything to what has been said, or to give any opinion upon the merits of the noble and learned Lord whose loss we so much deplore, after the statements we have heard from those who were better acquainted with those merits than the humble individual who now addresses your Lordships; and I only rise for the purpose of adverting for a moment to the Motion with which the noble Marquess concluded his observations. Of course, there is not, there cannot be, any difference of opinion as to the great value of and interest attaching to the gift which Lady Truro has so gracefully and liberally offered to bestow upon the country; but the Motion of the noble Marquess was simply to refer the letter to the Library Committee for them to consider what measures should be adopted to carry out the wishes of the noble lady, and it occurred to me that it might appear somewhat ungracious if, in making a motion of this description on such an occasion, there was no acknowledgment on the part of the House of the feelings entertained by it. I can only suppose the omission has arisen from some form of the House with which I am unacquainted; but, if that be not the case, I think it is an omission which should be supplied, and that the acknowledgments of the House should be conveyed to that distinguished lady. If any forms exist which cannot be waved, then I think it should be known to be public that it is those forms which constitute the obstacle to the expression of those acknowledgments which might naturally be expected for a donation so valuable and so liberal. I would only suggest, if my supposition be wrong, that the Motion should be amended so as to convey those feelings of gratitude which the House must entertain for so graceful a donation.

THE MARQUESS OF LANSDOWNE: The reason why I did not propose to include in the Motion any acknowledgment to Lady Truro was not that I am aware of any positive rule on the subject, but because there is no precedent for such a course. It had occurred to me that the object would be attained by expressing those acknowledgments in the Report of the Committee, which, upon presentation, could be adopted by the House. At the same time, I certainly see no reason why a precedent should not be created in the present instance. No doubt such an acknowledgment on the part of the House would be gratifying to the feelings of Lady Truro, and perhaps the Motion might be worded so as to express that acknowledgment.

LORD LYNDHURST: I understand that the Library Committee exchange with the library at Paris and receive books from the United States, and if they can exchange books in this way they can accept them as a gift.

THE MARQUESS OF LANSDOWNE: Perhaps, after all, it will be as well to leave the subject to the Committee. They can hardly make any suggestion in their Report without expressing to Lady Truro an acknowledgment of the gift, and that acknowledgment will, I dare say, be readily adopted by this House.

Ordered that the said Letter and the Subject thereof be *referred* to the Select Committee on the Library of the House, for the Purpose of carrying into effect Lady Truro's Wishes and Intentions.

LIMITED LIABILITY.

LORD MONTEAGLE, in moving for returns of Joint Stock Companies who have obtained certificates of complete registration under the Act of last year, said, that it appeared that Parliament was invited to consider two Bills with regard to the law of partnership which had been lately introduced into the other House. They were now approaching Easter, and he should like to know whether the Government would endeavour to induce this House to pass those two Bills in the same unreasonable manner in which they were compelled to pass the Act of last year—namely, at so late a period of the Session that it was wholly impossible for the House to consider the subject with advantage? Last year it was the opinion of many of their Lordships that the subject was so difficult and so important as to deserve consideration in a Select Committee; but the Government had rejected that proposition. Would his noble Friend at the head of the Board of Trade agree to the appointment of a Select Committee when Parliament resumed its sittings after Easter? He made the proposition on the present occasion advisedly. Should the Bills to which he alluded come before their Lordships late in the Session, and the proposition for a Committee then be renewed, let it not be said that the proposal for a Select Committee then made was for the purpose of impeding their progress, such an accusation could not be justly made when it was recollected that he now prayed the Government thus early in the Session to allow an inquiry to take place. It might be said that there had already been a Commission on the subject, and that the propositions of the Government were based on the Report of that Commission; this was, however, the very contrary to the fact, the recommendations of the Commission having been most ungraciously cast aside. It was for their Lordships to take the question into their own hands: this House, with the legal information at its command, was, in his opinion, a fit and proper tribunal to consider what ought to be done upon a subject of such extreme importance as part of the commercial law of this country. As we were now in all probability approaching a time of peace, the very difficult commercial contingencies consequent upon peace rendered caution on the part of the Legislature more important than ever. We might in all probability expect a considerable return of gold, a fall in the rate of discount, and an excitement of all speculative actions. That great and sagacious man, the Emperor of the French, had felt this anticipation, and had cautioned his people against the difficulties which would be consequent on the peace, and might arise under the *commandite* and partnership law of France. That which the Emperor denounced as a danger the proposed measures tended to stimulate. It might perhaps be said that no evil consequences had as yet arisen from the Bill of last Session. This proved nothing, as the circumstances of the times were peculiar, money was scarce, the rate of discount high, speculations were thereby checked, but peace would give rise to wild commercial enterprise and introduce a state of things widely different from that which had existed since the passing of the last Act, and, if a fever of speculation set in, he should examine with interest and anxiety the returns laid before their Lordships next year, exhibiting the number of bubble companies formed, if Parliament were so inconsiderate as to sanction this measure. But even the proceedings of the last year were not unimportant. If their Lordships were to turn their attention to the new projects started, they would see what absurd and rash schemes some parties were willing and ready to embark in. In the year of grace 1856 it was proposed to have a large joint-stock company, to be called the Universal Purveying Company, for the manufacture and sale of all descriptions of food, for the use of a metropolis containing two millions; another company was to be called a Laundry Company, and others had designations such as the Medicine Compounding Company, the Telescopic Fire-escape Company, the National Newspaper League Company. There were many others, some of which were of the most preposterous character. [The Duke of ARGYLL: Who is to judge of that?] Why, he took it to be a matter of principle that limited liability ought not to be granted for any commercial enterprise unless it could be shown that the enterprise was in its nature useful, and also that it was one which could not be carried out without the concession of that privilege. Upon this principle it was that the Board of Trade decided on charters to be granted to companies, and the Legislature determined on the privileges occasionally conferred by special Acts of Parliament. Such concessions ought never to be made till the propriety of conferring those privileges had first been carefully examined, and had in the judgment of an impartial authority been made manifest. The principle which the noble Duke seemed to advocate—namely, that the privilege of limited liability should be granted to every set of individuals, who at their own will and pleasure chose to establish any commercial enterprise whatever—appeared to be one of a most dangerous character, wholly unknown to the law of England, and had, indeed, been rejected by his own Government when they framed their Bill last year. It was a principle which would excite speculation and gambling, and all that the laws had hitherto done to repress those practices would become inoperative by reason of the Bills now before Parliament. If the Noble Duke (Argyll) was disposed to reject this statement, he could refer to an authority which, as an economist and a Scotsman, he was bound to respect. It was the authority of Mr. McCulloch. What were the observations of that able writer on the former Bill: "you may prevent the formation of such companies, but you cannot prevent them, when formed, from degenerating into mere swindling engines." Such were the words of Mr. McCulloch in his last edition of the *Commercial Dictionary*, and he went further, and crushed to atoms that fallacy that would include in the principles of Free Trade the power to establish commercial companies with limited liability. He would conclude by reading the following extract from Mr. McCulloch, which he recommended to the attention of the noble Duke and the House—

> "It was said that it was part and parcel of the principle of Free Trade, and that those who opposed it were friends to monopoly. To make any lengthened statement in reply to this, would be, if possible, more absurd than the statement itself. The opponents of limited liability never said that A should not engage in this, or B in that employment. But they said 'you may undertake whatever you please, but you must abide by the result of that undertaking. You are, under no circumstances, to be allowed to get rid of the consequences of your own actions. If on the one hand you make large profits, you may use or abuse them as you please; but if on the other hand your speculation fails, and you incur debts, you must either pay them or become a bankrupt. These, which are the principles of plain common sense, are consistent alike with expediency and justice.'"

He wished now to ask his noble Friend the President of the Board of Trade whether he had any objection to appoint a Committee to consider this subject, after Easter? or, if not, whether he would at least give a pledge that the House should not be called upon at the close of the present Session, when the Peers were not in attendance, to pass a measure of this kind through the House? He would conclude by moving, *pro formâ*—

> "That there be laid before the House Returns of the Number of Joint Sock Companies formed, or which have obtained Certificates of Complete Registration, under the Limited Liability Act, 1855, and of the Number of Applications not completed under the Act.

LORD STANLEY OF ALDERLEY said, there could be no possible objection to give the returns moved for by the noble Lord, as they had already been laid before the other House of Parliament. With respect to the questions put to him by the noble Lord—of which questions he had received no previous notice—he must say that it was highly inconvenient that these sort of discussions should be raised in their Lordships' House on measures in progress through the House of Commons. The noble Lord desired that their Lordships should not be urged to go into a discussion on the measure he had referred to at a late period of the Session. All he could say was, that he believed there was every reason to suppose that the measure would be brought up to their Lordships in good time, and if not, he should not wish to press it upon their Lordships' attention against their will, and after all, it would always be in their Lordships' power to deal with it as they might think fit. With regard to the appointment of a Select Committee, he thought it was the most inconvenient and the most extraordinary proceeding ever proposed, that one House should appoint a Committee to inquire into the details of a Bill under the consideration of the other House. That was evidently the intention of the noble Lord, for he stated that it would be no answer to say that there had been already a Commission of Inquiry; for that Commission dealt with the principle of limited liability and the law of partnership, whereas what was now wanted was an inquiry respecting a measure now before the other House of Parliament. This was a step entirely new and unprecedented, as the proper time for dealing with the question would be when the Bill was before their Lordships' House. He could not, indeed, expect to derive much advantage from discussing the details of the Bill with the noble Lord, who had declared himself hostile to every principle of it. The Bill of last year had been approved of by both Houses of Parliament, and further experience had only convinced him of the folly of the system of paternal legislation, which sought to guard people against the consequences of their own imprudence. They should leave men to the protection of the spirit of prudence implanted in their own breasts, and not seek to apply legislative securities, as substitutes for individual caution, which experience proved to be utterly useless, and indeed mischievous, as leading them to a fallacious confidence that the State was doing that for them which they alone could efficiently do for themselves. He could not consent to the appointment of the Committee, but he had no reason to doubt that ample time would be allowed for the consideration of the measure.

LORD OVERSTONE considered that the proposal of the noble Lord was most reasonable, that a question of such importance should be subjected to a preliminary inquiry before a Select Committee. The course of legislation which had been pursued on this subject was, in his mind, much more unreasonable and extraordinary than would be the preliminary inquiry to which the noble Lord objected. He would call their Lordships' attention to what had been done. Some time since the Government determined to issue a Commission to inquire into the law of partnership. The Commission in due time made their Report, and the Government introduced a Bill framed directly in the teeth of the recommendations of the Commission, and directly in the teeth of the evidence taken before them—even of those witnesses upon whose evidence the minority in the Commission rested their case. Limited liability, without accompanying safeguards, was not only in opposition to the Report and to all the evidence before the Commission, but in opposition also to the practice of all other countries into which the principle of limited liability had been introduced. Then, how was the measure of the Government introduced? He was absent at the time, but he was informed that it was carried through their Lordships' House during the last three days of the Session, without any sufficient opportunity being afforded for its discussion, and without the support of a single Peer who was not connected with the Government. [*Cries of* "Hear, hear!" *and* "No, no!"] Be that as it might, he would ask their Lordships to consider the protests that had been entered on their Lordships' Journals, and to judge whether a measure affecting such important interests ought to have been pressed under such circumstances and with such undue haste. If the Government had adopted the suggestion of withdrawing the Bill for further consideration, they would at least have avoided the discredit of the subsequent proceedings. The measure was passed at the very end of the Session, and the very first day of the next Session the Government were obliged to announce that they intended to repeal this Bill and to introduce another. Six weeks had scarcely elapsed before the new Bill had been again withdrawn, and the representative of the Government in the department charged with this measure had declared that he must take the Easter vacation to consider in what form he would again introduce the measure. He made those observations under feelings different from those which operated upon the majority of their Lordships. It had been his fate to have passed the greater portion of his life in the active pursuits of trade and under the influence of the constant oscillations of commercial credit. On behalf of the interests of those engaged in trade and commerce, he protested against a subject of such vast importance being so lightly and inconsiderately dealt with. He said, "a subject of such vast importance," for he believed that in magnitude few questions of internal policy could be compared with it. If the Government were determined to alter the ancient principles of law, upon which all the commercial habits of the country had been established, they should at least have given the matter the most careful and deliberate consideration in the Cabinet, and come before Parliament with a measure by which they were prepared to stand or fall. It was not a question of subordinate importance; the views of the Government respecting it ought to be well considered, and, when once adopted, they should be consistently maintained. He could not withhold his surprise that the allusion of the noble Baron (Lord Monteagle) to the schemes which had been projected under the change of law should have been met with laughter on the part of the Government. Those schemes were but premonitory symptoms—the shadows of coming events; they are seed cast into the ground, which will remain dormant during a period of war expenditure and adverse exchanges. But let peace arrive, and the precious metals return to this country with as strong a tide as they were now flowing out, and the Government, instead of going into the market as borrowers, appear before the country with a surplus revenue, then these concerns will germinate and fructify, and the commercial world, like Nature under a poisoned atmosphere, will teem with all monstrous things. When he found a reference to such symptoms as these met with ridicule, instead of with thoughtfulness and apprehension, he confessed he could not look without some alarm to the fate of our commercial interests under the proposed system of legislation. The history of our commercial and monetary progress during the last thirty years was full of instructive lessons, if we would only read them aright. He well remembered the catastrophe of 1825, when Mr. Huskisson said we were within a few hours of a state of barter; but he had no hesitation in saying that if at that time a Bill like that which the Government had now introduced had been law, a state of things would have been produced in which even that degree of confidence which is requisite for purposes of barter would have been destroyed, and all the ordinary transactions of trade between man and man would have been suspended. From 1825 to the present time this country had gone through a series of commercial crises; but if the President of the Board of Trade would examine the history of those crises, he would find that at each successive period the mischief and disturbance to trade and commerce had been continually decreasing. And why? Because we had from time to time amended our commercial legislation and the laws affecting our monetary system, with the view of applying gradual and judicious restraint to the spirit of speculation and the undue extension of credit. The result had been, that during the last six months, this country had gone through a drain of the precious metals the most severe, every intelligent and well-informed man would admit, which had been experienced in the memory of any living person. The country was now emerging from that crisis with all its commercial and trading operations in a stable, sound, and satisfactory condition. It was a phenomenon, let him say, which it was the duty of Her Majesty's Government, and more especially the department of the Board of Trade, to understand. But what was the simple explanation of this phenomenon? Why, that since 1825 all our legislation had been based on the principle laid down by Mr. Huskisson when he said that the mischief of the grand crisis of that year arose from undue extension of credit and undue stimulus to a dangerous spirit of speculation, and that legislation should be directed to the gradual correction of that evil. The ground of objection to the system of legislation now proposed was, that it reversed the principle from which all past beneficial results had accrued. This law of limited liability had a tendency to intensify the spirit of credit, and stir up the terrible demon of speculation. We saw some indistinct symptoms of this result already; but these were only the first footsteps of the advancing giant, to be hereafter developed in his full and formidable proportions. We were now asked to apply abstract principles of a most dangerous character to a complicated state of society, without due discrimination or those precautionary accompaniments which a proper respect for practical experience would dictate. The principle which it was now sought to introduce was the principle of saying, "You shall borrow without being obliged to repay; you shall take another man's goods without being compelled under all circumstances to return an equivalent." If their Lordships looked back into the ancient laws of this country, they would find that what we now call "credit" was described by our ancestors in its true terms, as borrowing another man's goods. Let it not be supposed that this is a simple question between A and B, between the borrower and the lender, and that these parties may be safely left to adjust the terms of their mutual relation to each other. The question was one of much wider import, and it involved much more extensive consequences. It necessarily affected the interests and well-being of the whole trading community. The introduction of concerns based upon the proposed principle, must tend to deteriorate the general tone of our commercial morality; it must relax the restraints and sharpen the stimulants to credit and speculation, upon the due equipoise of which depends the solidity and safety of the commercial system; it must, for the same reason, tend to produce more violent fluctuations in the range of prices, and to unsettle the steady, regular course of trading operations. It would foment the spirit of excessive enterprise during periods of prosperity and increasing confidence; and when the inevitable collapse took place it would render the calamitous results more widespread and more intense. Limited liability would generate dangerous concerns during the favourable season of growing confidence; but when the inevitable change and consequent pressure occurred, those concerns would break down simultaneously, and, by their fall, extend alarm and greatly increase the destruction of confidence. In 1823 and 1824, the Joint Stock Companies, with a small amount of paid-up capital, were the ready instruments through which speculation spread through the community the poison of blind confidence and gambling operations; and in the following year, 1825, these same companies, by their simultaneous collapse and total rottenness, increased the panic and intensified the destruction of that confidence out of which they had sprung. Moreover, by combining strict limitation of risks with vague and undefined hopes of profit, it would force a gambling principle into the commercial world, and make trade more like a vast lottery wheel than that field of steady honesty and cautious enterprise which it ought to be the object of all our legislation to render it. The whole trading community must, in one way or other, feel the unfortunate effect of these tendencies; no prudence, no foresight, would altogether obviate this result—the whole commercial atmosphere would be poisoned, and all who breathe that atmosphere must be affected by it. The honest, steady, prudent tradesman would find himself irresistibly drawn from his course; drawn, as it were, into a dangerous whirlpool, in spite of all his efforts and his anxious desires to navigate his vessel in more tranquil waters, and through a safer track. For these reasons he must declare his serious protest against the principles of the proposed legislation. He believed it to be equally false in policy and in morality; and he was confident that a measure which was unsound in principle could never prove beneficial to the community. He asked the pardon of their Lordships for trespassing on their attention at greater length than he had intended; but he felt that he could not with propriety allow this discussion to close without deprecating the course which the Government had taken, and expressing his great regret that any resistance should be offered to the reasonable request that this subject should be referred to a preliminary examination by a Select Committee.

Earl GRANVILLE: I am quite sure that it is unnecessary for my noble Friend to make any apology for addressing your Lordships on a subject of this sort. I only regret, as he well knows, that since he has been a Member of the House, he has not taken a more active share in our debates, and I am almost reconciled to the warm and almost partisan feeling he has shown by his having addressed your Lordships even upon a question with respect to which I have the misfortune to differ from him. I must decline to go now into the whole question of limited liability. I shall refrain from remarking upon the instances my noble Friend quoted to show the effects of limited liability, the crisis to which he referred having occurred under an exactly opposite state of the law. I shall not even ask him to explain how it can be contrary to Saxon morality to allow men to make what compacts they like between themselves, when they formerly possessed that power at common law, and it was taken from them by statutable enactments. It would be inconvenient to go into those questions in this thinly attended House; but there are one or two points to which I must advert. The noble Lord was not present at the end of last Session, but he alluded to the circumstances attending the passing of the Bill through this House. I admit that it was introduced at a very late period of the Session, and that, as a general rule, it is inconvenient that measures of importance should be discussed and carried within a few days of the prorogation; but I deny that there was no reason for taking that course last year with regard to this Bill. My noble Friend the President of the Board of Trade, following Mr. Cardwell, who had absolutely broken down under the difficulties attending the grants of charters of limited liability, had refused to grant any more of those charters; but companies continued to be formed and to apply for charters sanctioning their new schemes, some of which were of great public utility, the Government found that the other House of Parliament had decided by a large majority in favour of limited liability—and they felt themselves bound, under these circumstances, to introduce some course of legislation, if they could induce Parliament to sanction it. The noble Lord gave an exaggerated account of the state of the House, when he said that no Peers were present when the Bill was agreed to, except Members of the Government and noble Lords holding places connected with the Government.

Lord OVERSTONE: I said, that the only Peers who supported the Bill were those who were connected with the Government.

Earl GRANVILLE: When the House met—I am speaking of the occasion upon which the Bill passed through Committee—there were about sixty Peers present.

A long discussion took place—I spoke I do not know how often—and the Peers gradually left, as we went on repeating the same arguments one after another until a very late hour. It is, therefore, quite true, that very few Peers were present at the end of the debate; and I explained the state of the benches opposite, by saying that it was not caused by the difficulty of obtaining the attendance of Peers at that period of the Session, but by the unwillingness of a large portion of the Opposition to oppose a Bill which, in their hearts, they thought a good one. The fact that every single Peer belonging to the opposite side has now left the House, notwithstanding the notice which the noble Lord placed upon the paper, except one noble Lord who has taken his seat since last Session (Viscount Dungannon), shows that my explanation was correct. My noble Friend, with some warmth and injustice, has attacked the Government for having, as he says, thrown ridicule upon a most important statement made by the noble Lord who brought forward the subject. We threw no ridicule whatever upon it; but the noble Lord threw ridicule upon certain companies which had established themselves for commercial purposes under the new law. When persons have united themselves for certain commercial purposes, I do not think it is very justifiable for any Peer to characterise as unfit the objects for which they have associated themselves, and to create a prejudice against them. When the noble Lord mentioned the objects of one or two companies which had been formed, we merely remarked that there was nothing extraordinary in them. He mentioned, among others, a newspaper company—I do not know whether joint stock companies are good for carrying on a newspaper, but it certainly appeared to me to be most legitimate that people should avail themselves of that mode of enlightening the public. In no single way are the Government obnoxious to the remark that they have treated this subject in a spirit of levity. The whole question is this—whether the Government ought to pledge themselves to ask for an immediate Committee to inquire into this subject, and to give a pledge also as to the time when the Bill now before the other House shall be brought before your Lordships? I think the Government cannot be fairly charged with delay. The Bill was brought in on the first day of the Session; it has been read a second time, and no opportunity has been omitted of pressing it forward. I happen to know this for a fact, having gone to the right hon. Gentleman who has the charge of this Bill to impress upon him the necessity of letting us have the Bill in this House as early as possible, in order that we may have an opportunity of discussing it. But, as to giving a pledge that the Bill shall be in this House by a particular day, that would only be to offer encouragement to those who might be disposed to interpose delay as a means of obstructing the progress of the Bill. The Government, therefore, would not be justified in making such a pledge. With regard to the Select Committee proposed, it would be inconvenient for such a Committee to go into the general question, and highly irregular if the Bill were discussed before that Committee while it is being considered in the other House, and before it reaches your Lordships. At all events, I cannot give a precise answer to the question put to me by the noble Lord without notice. I can only say that my noble Friend is wrong, if he supposes the Government are treating this question with levity. He thinks it desirable that both Houses of Parliament should fully consider the principles and details of a Bill of a most important character, and in this I fully agree with my noble Friend. He speaks as representing the whole commercial community; but I must be allowed to say, that this Bill has been brought before Parliament at the pressing instance of the commercial portion of the community.

Earl GREY: Nothing can be more reasonable than that the Government should not pledge themselves at this moment to grant a Committee on this subject, but it is not less reasonable that the House should expect Her Majesty's Ministers to abstain from calling upon it hastily to pledge itself against the appointment of such a Committee. But, while I willingly recognise the propriety of the Government taking time to consider whether they will consent to submit to a Select Committee of this House the important principles of commercial law involved in the Bill now before the other House, I must say that I concur in every word of the most able speech of the noble Lord on the bench behind me (Lord Overstone), and having listened to that speech with great attention, I agree with him in thinking that this House will do very wrong if it does not institute a deliberate inquiry;

and I hope that, after the recess, if the Government do not themselves originate a Motion for a Select Committee on the subject, some other noble Lord will make a Motion to that effect. We are told that it will be a very inconvenient and unusual course for this House to institute an inquiry by a Select Committee into the provisions of a Bill before the other House of Parliament. My Lords, I never heard any one propose that a Bill before the other House of Parliament should be referred to a Committee of your Lordships' House, but I am sure that, after a very short search of your Lordships' Journals, there would be found cases in which subjects of great importance that appeared likely to require legislation in the course of the Session have been considered by a Select Committee in anticipation of a Bill that was coming up from the other House of Parliament. It is quite certain that inquiry ought to take place, and I trust the Motion will not be rejected by the House. The Government itself had changed its views more than once upon the subject within the short space of twelve months; this was the third version of their plan, and all were in the very teeth of the Commission appointed by themselves. I agree with my noble Friend, that in this state of the House it would be undesirable to go into a discussion of this question; but my noble Friend (Earl Granville) has quite misunderstood the argument of my noble Friend behind me (Lord Overstone), who referred to the panic of 1825 as conveying a caution that ought to make the House pause before it embarked in rash legislation on this subject. My noble Friend behind me quoted the panic of 1825, and then my noble Friend (Earl Granville) got up and reminded him that neither in 1825 nor in 1845 did the principle of limited liability exist, and, therefore, that any argument arising out of those two panics was inapplicable to the present Bill. But my noble Friend behind me did not say that the panic of 1825 had been created by the existence of a law of limited liability. What he said was, that the frightful panic of 1825, that caused so great an amount of misery, was mainly caused by the abuse of credit; and argued that if such panics arose, even as the law then stood, from the undue expansion of credit, how much worse they would have been had they had the stimulus of limited liability. And he said that the aim and intention of this Bill was to stimulate credit to the utmost. [Earl GRANVILLE: I think, just the contrary.] My noble Friend behind me thinks, and I agree with him, that the intention and object of this Bill is to facilitate and stimulate credit—but I will not argue the question now. The creation of joint stock companies was a symptom of 1825, for just before that period Parliament had been full of projects—of equitable loans, of pearl fisheries, and every manner of project. At that time there were dozens of these joint stock companies, yet there was some check then upon the formation of such companies; but now the object of this Bill is to take off such restraint, and to allow every man to create a joint stock company, and with a limited liability, to bring dupes to join him in the most absurd projects. The principal discussion upon the Bill of last Session no doubt took place upon a second reading, and on that day there was a considerable attendance, because, as was well known, the Government had had a severe "whip" for the occasion; but it was impossible to study the Bill during the limited time allowed for the Committee. For my own part, I did not profess to be able to move all the Amendments that ought to be carried, but I thought it desirable to adopt those precautions which had been taken in other countries in which the principle of the Bill had been adopted. I, therefore, moved the adoption of some of the securities, which the Commissioners in their Report stated were taken in the State of Massachusetts. Some of my Amendments were carried, and others were rejected. We were engaged for a long time in debate, but I remember the feeling of the House was so decided against the Government, that in one of the principal divisions, not one single Peer, except those in the Royal Household, or holding places in the Government, voted with the Ministers; and one Peer who had been brought up from a great distance to vote with the Government voted with the minority. In all the former history of this House there can be found no case of such a gross abuse of that power which the Government ought to possess. For the sake of obtaining a momentary popularity from persons who had not considered the subject, the Government sacrificed the dignity and character of this House of Parliament, which must be the consequence of their indecorous, hasty, and ill-judged legislation.

THE EARL OF HARROWBY said, he

rose for the purpose of setting his noble Friend right with regard to the object of the Bill. His noble Friend misrepresented the object of the Bill in saying that it was to give increased facilities for obtaining and extending credit. The object of the Bill was not that, but to give greater facilities for the employment of capital. The question whether it would lead to greater or less caution in the application of capital was open to argument and discussion. He thought there could be no doubt that it would induce greater caution on the part of those who dealt with Joint Stock Companies, and therefore greater caution in the use of capital; but he protested against its being said that the object of the measure was to extend credit. There were in this country a great number of small capitalists who complained that they had not that facility for the employment of their capital which the great capitalists had; and they pressed Parliament to give them facilities to club their small capitals, so that they might compete with the larger capitalists. To enable them to do this was the object of the Bill, and not to extend credit.

Lord OVERSTONE said, that if the real object of the Bill was to facilitate the employment of small capitals, the Government ought to compel the companies to pay up the whole of the capital. That would test the doctrine.

After a few words from Lord Monteagle,

Motion *agreed to*.

House adjourned to Tuesday, the 1st of April next.

HOUSE OF COMMONS,

Friday, March 14, 1856.

Minutes.] Public Bills.—1° Cambridge University; Wills and Administrations.

THE CLOCK OF THE HOUSES OF PARLIAMENT—QUESTION.

Mr. HANKEY said, that he presumed the clock placed in a prominent part of that building was intended to afford the public the means of ascertaining the time at all hours of the day and night; and, as it appeared to him that that object would not be attained if any of the designs which had already been exhibited were adopted, he begged to ask the right hon. Baronet the Chief Commissioner of Works whether it was intended to have a dial to the large clock of the Houses of Parliament on which the figures would be legible, as the models heretofore exhibited did not appear likely to carry out that object?

Sir BENJAMIN HALL said, that it was certainly intended to have a dial with figures which should be legible. It was also true that at present such was not the case. The models which had been exhibited did not carry out that object, for the simple reason that at present a framework only had been placed on the site of the future dial, and that merely for the purpose of trying experiments with regard to the lighting, and that there were no figures upon it.

NATIONAL GALLERY — PICTURE OF "THE ADORATION OF THE MAGI."—QUESTION.

Mr. OTWAY said, he begged to ask the hon. Gentleman the Secretary of the Treasury if it was true that £1,977 had been paid for the picture of "The Adoration of the Magi," recently placed in the National Gallery, and whether that sum included all the expenses occasioned to the country by the acquisition of that picture; by whose recommendation the picture had been purchased, and on what authority it was stated to be painted by Paolo Veronese?

Mr. WILSON, in reply said, that £1,977 was the whole sum which this picture would cost, with the exception of £2 2*s*. 2*d*. paid for its carriage from Paris. All other expenses were paid by the seller. The purchase of the picture was recommended solely by the director of the National Gallery, but was acquiesced in and decided upon by the trustees. Whatever difference of opinion there might be as to the value of the picture, there could, he thought, be none as to its authenticity, for it stood in the position of being, perhaps, the best authenticated picture of the kind in the world. In Venice, where the picture had remained from the time of its being painted up to a very recent date, it was well known to have been the production of Paolo Veronese; and besides that, it was mentioned as his work and as belonging to the church from which it had been taken, in a book which was published in 1581, eight years after the date at which it was painted, and seven years before the death of the artist. In the British Museum there was a print of the picture, which was engraved in the year 1649.

THE NATIONAL COLLECTIONS OF ART AND SCIENCE—QUESTION.

Mr. W. EWART said, he would beg to ask the First Lord of the Treasury whether any progress had been made in carrying into effect the suggestion made during the last Session of Parliament, that there should be affixed or appended to the paintings, statues, and other works of art, to specimens or illustration of science, antiquities, public monuments, and historical memorials in our public institutions, explanatory inscriptions, giving a brief account of the subject, date, history, and author of the work, so as to afford some general instruction to the public, and spare them the expense of purchasing a catalogue.

Viscount PALMERSTON said, that the arrangement which his hon. Friend had so usefully suggested last year, had since been almost entirely carried out in the National Gallery. He did not think it had been quite carried out yet, for some care and trouble were required in perfecting the arrangement; but it was very nearly completed. A similar arrangement had, he believed, been established in the British Museum with respect to almost all the collections in that institution. He was not quite sure whether the same arrangement prevailed at Hampton Court, but he would make inquiry, and he felt no doubt that if it did not it would soon be established there, for so good a plan could not be adopted too soon.

Mr. W. EWART said, he would ask the right hon. President of the Board of Works whether means would be adopted for giving the public the accommodation of a greater number of seats round the trees in different parts of Kensington Gardens, as well as in the Park?

Sir BENJAMIN HALL said, he admitted the insufficiency of the number of seats. He had made provision for that state of things, but it depended on the House to grant the necessary funds for carrying out that provision.

THE RAJAHS OF TANJORE AND JODPORE —QUESTION.

Mr. MURROUGH said, he would beg to ask the right hon. Gentleman the President of the Board of Control whether it was true, that on the death of the late Maharajah of Tanjore, in October last, without male issue, the British Resident at the Court of Tanjore recommended to the Government at Madras that the late Maharajah's youngest daughter should succeed to the vacant Ghuddee, and that, notwithstanding such recommendation, the Madras Government forwarded a Report to the Board of Directors, wherein, instead of recommending the succession of such youngest daughter, they suggested an extinction of the raj, and the grant of a pension to the family of the late Maharajah in lieu thereof? Also, whether it was true that the local Government had taken possession of the territory and estate of the late Maharajah, and left nearly a thousand of his relatives and servants unprovided with the means of support during the time the question of succession was pending before the Court of Directors? Also, whether any, and what, instructions had been sent out to the Government of Madras for providing for the succession to the Ghuddee, and the support of the family of the late Maharajah?

Mr. VERNON SMITH, in reply said, that it was quite true that on the death of the late Maharajah of Tanjore the recommendation alluded to by the hon. Member had been given; and it was also true that a Report of the nature spoken of by the hon. Member had been sent by the Madras Government to the Board of Directors. Instructions, however, had been given to the Resident to provide for the relatives and servants of the late Maharajah, pending the settlement of the question of succession, and they were consequently not left without the means of support. The letters advising the Court of Directors of those proceedings had only been received in this country on the 8th instant. The instructions to the Government of Madras had not yet been sent out, and he could not at present communicate them to the House.

Mr. MURROUGH said, he would now beg to ask the right hon. Gentleman whether he was aware that a memorial of His Highness the Maharajah of Jodpore, in reference to the claim of his family to the Raj of Ahmednugger, which, on the 9th day of August, 1854, was submitted to the Board of Control, and by them required to be forwarded through the local officer at His Highness's Court, had been since tendered to the British Resident at Jodpore, and that he had refused to receive it for transmission; and whether the Indian Board had any objection, under the circumstances, to recommend the Court of Directors to receive such memorial from the agent of the Maharajah now in London?

MR. VERNON SMITH said, that he had not received information of the memorial in question having been referred by the British Resident at Jodpore. He could not, however, give to the Court of Directors any such recommendation as that suggested by the hon. Gentleman.

SALT TAX—INDIA—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the right hon. Gentleman the President of the Board of Control whether he had yet received the Report of the Commission appointed by the Governor General of India more than two years ago to inquire into the collection of the salt duties, and whether he would lay it upon the table?

MR. VERNON SMITH said, that the Report of the Commission on the completion of which some delay had been caused by the illness of the only Commissioner, had at last been received in this country. It was very long, but should be laid on the table as early as possible. Owing to his anxiety to transmit the Report as early as possible, Lord Dalhousie had sent it without any despatch of his own on the subject. If such a despatch should be received before the Report was printed, he would lay both before the House together. If it were not, he would produce the Report alone.

PRUSSIA AND THE PARIS CONFERENCES.

On the Motion that the House at its rising do adjourn till the 31st of March,

MR. DISRAELI said: I will take, Sir, the opportunity afforded by this Motion to recur to a question which I addressed yesterday to the noble Lord at the head of the Government, and to which he returned a reply somewhat remarkable—I might almost say amazing. Yesterday a rumour of authority was rife in this town, to the effect that an event of the greatest importance with respect to the Conferences at Paris had occurred—namely, that an invitation had been given to Prussia to assist at those Conferences, and that the invitation had been accepted by that Power. Later in the day, after this House met, information of even a much more authoritative nature reached this capital, and we learnt that not only was it true that an invitation was given to Prussia to attend the Conferences at Paris—not only was it true that Prussia had accepted that invitation—but that that Power had even gone so far as to name the Plenipotentiaries to whom she would intrust the exercise of her influence and the management of her policy on this occasion, and that the persons she had selected were men not less considerable than Baron Manteuffel and the Prussian Minister now at the Court of the Tuileries. It was impossible for me to give the noble Lord notice of the question I wished to put to him on this subject; nor indeed, in my opinion, was that necessary. The ordinary rule which obtains in this House as to notifying to Ministers the purport of questions that may be addressed to them by hon. Members is not merely an affair of courtesy, but it arises from the very nature of things. The inquiries addressed to Ministers generally relating to the details of their departments, it is absolutely necessary, for the sake of accuracy and the dispatch of public business, that a previous intimation of their nature should be given to the heads of particular branches of the Government, to enable them to make themselves acquainted with the information which may be required by the House. But in the case of questions of high policy, questions of peace or war, questions regarding the progress of negotiations, or bearing on important circumstances that have occurred at foreign Courts, especially when those questions are addressed to the First Minister of the Crown, it never yet has been deemed necessary to give notice of the intention to make such inquiries; and, indeed, in the present state of affairs, so rapid is the communication of intelligence that it is wholly impossible to give any timely intimation to a Minister in such a matter. Why, the news often arrives while we are sitting on these benches, and when it may be necessary that no delay should be suffered to intervene before an appeal is made to the Government. Well, I thought that yesterday was an occasion when it was the duty of this House to give an opportunity to the Minister of informing Parliament and the country whether in fact so important an event had occurred as the invitation and the accession of Prussia to the Conferences. What, however, was the answer I then received from the noble Lord? I confess that if it were not as fresh in the recollection of all those who listen to me as in my own, I should suppose that I must be labouring under some hallucination when I recall its terms to the House. The noble Lord declined to give me any information on the points of legitimate and important inquiry to which I invited his attention—merely observing that the first Resolution at the Conferences of Paris was, that there should be complete secrecy as to all their proceedings, and that, therefore, it was not in his power to give any answer to the inquiry which I made. It may be expedient—indeed, in the present case there can be no doubt that it is expedient—that the negotiations should be secret; but there is a very great difference between negotiations being secret and negotiators being unknown; and the very fact that the negotiations are secret is an additional reason why the negotiators should not be so. The first condition of confidence is, that you should be acquainted with those who are transacting the affairs in which you are interested, and, instead of the Resolution of the Conferences which the noble Lord quoted being an argument for not answering the questions I addressed to him, it appears to me to be a reason—if it were necessary to argue on such a point—in favour of the utmost frankness as to the names, and even, if possible, as to the powers of the persons deputed to act as Ministers. But it is quite superfluous to argue this question, because the principle laid down by the noble Lord is absolutely impracticable. If it were true, as I intimated to the House yesterday, that Prussia not only had accepted the invitation to join the Conferences, but had even nominated her representatives—if it were true, as I believe it to be, that her Plenipotentiaries have in all probability already arrived in Paris, surely these are incidents which cannot be concealed. If the Plenipotentiaries of Prussia are at Paris, no reserve on the part of the noble Lord can, I apprehend, keep the fact a secret from those who have the pleasure of living in that polished capital. If Baron Manteuffel and his colleague are in that city, it is not to be supposed that they attend the hotel of the Minister of Foreign Affairs in disguise, or that they go to Count Walewski's masked. On the contrary, their presence is notorious, and, more than that, it is palpable; and the very course of circumstances alone shows that the position of the noble Lord is perfectly untenable. Nay, I find that to be the fact which I did not know yesterday—namely, that in the *Moniteur* of that day there is an official announcement from the French Government that an invitation has been given to Prussia to attend the Paris Conferences, that she has accepted that invitation, and that she has nominated as her representatives Baron Manteuffel and Count Hatzfeldt, the present Minister of Prussia at the French Court. I want to know, therefore, why the French people are (notwithstanding the preliminary Resolution of the Conferences of which we have heard) informed by their Government of what has happened, while the Parliament of England is the only place where no information is to be given; and where, in a matter of momentous interest like the present, the Prime Minister is to prevent any authoritative intelligence from being imparted to the country, on a plea of which, I think, he must upon reflection acknowledge that he ought never to have availed himself. I am therefore at a loss, Sir, to conceive what could have induced the noble Lord to refuse the House the information which I should hope he will to-night, on further consideration, feel it not only in his power, but also to be his duty, to communicate to us. I should be sorry to suppose that the noble Lord finds in the circumstance that Prussia is now a participator in the Conferences any cause for dissatisfaction. I should be loth and sorry to believe this for two reasons. First of all, if the noble Lord regards that fact as any ground for regret, it would seem as though the counsels of this country at the Conferences were not so influential as I am sure every Gentleman in this House, on whatever side he may sit, must naturally wish them to be. But if it should be a source of any regret or mortification to the noble Lord, I should still more lament it, because I cannot but think, for my part, that the circumstance so disparagingly viewed by the First Minister of the Crown is one upon which we may fairly congratulate both this country and Europe. I look upon it as auspicious of a satisfactory settlement of the grave questions now pending at Paris, and as offering another augury for peace; because, whatever may be the wild opinions sometimes expressed, and expressed often without thought, and occasionally without temper, I cannot but believe that the solution now contemplated is more likely to prove lasting if all the great Powers of Europe sanction it than if one of those Powers, and one so peculiarly situated as Prussia, stands aloof and isolated, and is in no way connected with the adjustment which we desire to see arrived at. Independently of the general principle that no settlement at Paris is calculated to be permanent to which one of the great European Powers is not a party, there are peculiar reasons why we should desire that the sanction of Prussia should be given to the pacification which we hope is about to be concluded. The presence of Prussia at the Conferences is, as it appears to me, the only means by which the sentiment and opinions of Germany can be represented and expressed on this memorable occasion. It is very true that there is another German Power which, from the first, has participated in the deliberations of the Conferences—a Power of which I wish to speak with all due respect; but, on this point, I remember the saying of a great statesman whose views I may quote with great propriety, as they are not likely to be prejudiced, being those not of an Austrian merely, but of a most eminent Austrian Minister.—I recollect Prince Metternich once observing that Austria was the true type of an empire, and, therefore, that all her interests must be imperial. Austria has many kingdoms and many races dependent upon her, and constantly demanding her solicitude; but Prussia is homogeneous—Prussia is German—Prussia, one might almost say, is Germany. For that reason alone, therefore, irrespectively of all other considerations, I—and I should think all those who are deeply interested in the welfare of Europe—feel desirous that Prussia should take part in the Conferences, and should feel that an authoritative announcement of such participation would be matter of congratulation to this country. But if it be of European interest that Prussia should be present at the Conferences—if it be, on general grounds, adverse to the public interests that a great State should remain in isolation on such an occasion—if, for the sake of representing German opinions and German sentiments, it be of importance that Prussia should be present at the Conferences—it is, I say, equally desirable, in my opinion, for English interests. Whatever we may have heard of the conduct of Prussia—which, allow me to observe, has never been the subject of debate or discussion, at least in the House of Commons—it would be well for us to recollect that, if there be such a thing as a natural ally, we may fairly describe Prussia as the natural ally of England. From the time when Prussia entered into the highest class of sovereignty, with one brief exception, when she notoriously acted under compulsion, she has been our ally; and from historical associations, from her geographical position, from the nature of her produce, from the character of her inhabitants, and, I may even say, of her religion, Prussia is a Power which, I am sure, will always be regarded with great sympathy by the people of England, and with profound interest by the statesmen of England. I know there are some who are apt to believe, because it is said to have been proposed by Russia that Prussia should be a member of the Conference, that that is a sufficient reason for the refusal of the proposition by the great Powers—[Mr. ROEBUCK: Hear, hear!]—and the hon. Gentleman, who has devoted some attention to the study of foreign affairs, assents by his cheer to that position, one which I believe to be crude, delusive, and fallacious. Now, I can conceive nothing of greater importance to Russia, still our adversary, than that the settlement, which I hope will take place at Paris, should be of a partial, and not of a general or universal character. It will be of infinitely greater importance to Russia that in making this settlement she should be treating with only two or three Powers, and should have the opportunity of falling back on a future occasion with a greater Power not connected with the settlement, than that she should have to meet the united will and voice of Europe, and defer to an arrangement sanctioned by their concord. As a mere *ruse* of diplomacy, nothing could be more dexterous on the part of Russia than the proposition that Prussia should be a partaker in the Conferences. If the proposition was acceded to, Russia had paid a flattering compliment to Prussia; if it failed, Russia treated only with part of Europe, and not with that universal Europe of which she is really afraid. I do not suppose, however, that any Minister of England would decide such a question as this with any regard to the interference of Russia in the affair. A British Minister should decide—as I cannot doubt he has decided—on the conviction of what is the real interest of Europe and of this country. I cannot believe that, on such an occasion, the passions of Cabinets or of individual Ministers can influence the course of public events. The diplomacy of passion has already worked great injury to this country, and I hope we have outlived the time when a repetition of such conduct as no one can look back upon with satisfaction will be witnessed. I think, therefore, instead of viewing the original proposal of Russia, that Prussia should take part in the Conferences, as an incident offensive to this country, we should be careful that our decision is founded merely on a consideration of what the interests of Europe and of England alike demand, and that passion should not be permitted to influence the decisions of the councils of kingdoms. In consequence of the unsatisfactory reply given by the noble Lord last night, I have availed myself of this opportunity to introduce the subject again to the notice of the House. I believe that the statements to which I referred yesterday are in every sense true and accurate. It would afford the utmost satisfaction if those statements were confirmed by an authoritative announcement on the part of the Government, and I trust that, upon reflection, the noble Lord has felt that the Parliament of England ought not to be less informed by Her Majesty's Ministers than is the population of Paris by the *Moniteur* of the French Government.

VISCOUNT PALMERSTON: Sir, I can assure the right hon. Gentleman that I do not at all complain—nor do I feel that I have a right to complain—of any want of courtesy on his part in not giving me notice of the question he put to me last night. It was undoubtedly a question which, if it was fitting to be put at all, did not require that notice should be given to the person who was expected to answer it. On the other hand, I can assure the right hon. Gentleman that I was not guilty of any intentional want of courtesy with regard to the answer I felt it my duty to give to his question. It is perfectly true that when the Conference met, the first Resolution they adopted was that their proceedings should be kept secret; and they entered into an engagement, not only for themselves, but for their respective Governments, that secrecy should be observed. That arrangement was not intended to cover any sinister or mysterious proceedings which might be at variance with the interests of the countries concerned, or with the honest discharge of their duty by the Members of the Conference; but if it was only adopted with reference to the Houses of Parliament, I say that it was a wise and prudent decision with regard to the ultimate objects for which the Conference is assembled; for if hon. Gentlemen were to get up, from day to day, and, founding questions upon telegraphic messages and upon articles in foreign newspapers, were to ask the Government what had passed in the Conference with respect to transactions which were unfinished, and to discussions which were still in progress, I appeal to the good sense and judgment of the House whether the successful issue of the negotiations would not be a matter of the utmost difficulty, if not of absolute impossibility. I think, therefore, Sir, that the Resolution of the Conference was one which was right and fitting, and which had for its object the promotion of those purposes for which the Conference was assembled. Acting upon that Resolution, I gave my answer to the hon. and learned Gentleman (Mr. Bowyer) with reference to the affairs of Italy, and I gave a similar reply to the right hon. Member for Buckinghamshire. That right hon. Gentleman has, however, put his question to-night in a manner which, I think, renders it my duty to give some explanation to him and to the House. It is perfectly true, as he says, that Prussia is one of those States which have hitherto been technically called the "Five Great Powers of Europe," and which have been accustomed of late years to enter into communication together for the purpose of coming to an understanding upon important questions of European policy. In the years 1840 and 1841, when treaties were made with respect to the affairs of the East, they were concluded by Austria, France, Great Britain, Prussia, and Russia, in concert; and if, upon the recent occasion, it had only been necessary to assemble a Conference of the great Powers of Europe to discuss general questions, no doubt Prussia would have been invited to be a party to such Conference. But the Conference which has recently met at Paris has assembled for the purpose of negotiating and concluding a treaty of peace between powers that are at war. The natural parties to such a conference are, therefore, England, France, Sardinia, and Turkey on the one hand, and Russia on the other. Austria, although not one of the belligerents, has, nevertheless, entered into engagements towards Turkey to maintain and defend her principalities; and Austria also acted the part of mediator between the belligerents on the occasion which led indirectly to the present negotiations. Austria, therefore, cannot be omitted as a member of the Conference. But Prussia stood in no character which made her in any way whatever a party to these negotiations. I will not follow the right hon. Gentleman into a discussion as to which of the Powers of Germany are the most homogeneous, or which of those Powers most accurately and fully represents the public opinion of the States of Germany. Prussia is a great Power; Prussia is undoubtedly a Power with whom it must always be the interest of this country to maintain the most intimate relations of friendship; and I trust those relations will always be maintained, and will become stronger and stronger as time advances; but Prussia, for reasons which we are not entitled to criticise, has deemed it for her interest to abstain entirely from taking any part whatever in the war. She has maintained an attempt at perfect neutrality. She has declined entering into any engagements with the Allies; she has avoided taking any part against Russia. There is, then, no character or capacity in which Prussia can become a member of the Conference assembled with the view of making peace between belligerent parties. Therefore it was that Prussia was not at first invited to become a member of the Conference at Paris. Nevertheless, part of the objects which the Conference has in view consists of the revision, to a certain degree, of those Treaties of 1840 and 1841, to which Prussia was a party—I mean the treaties regulating the Straits of the Bosphorus and the Dardanelles; and, even upon that narrow ground, it was from the beginning judged not to be right that the negotiations should be concluded without inviting the participation of Prussia in the revision of treaties to which she had originally been a party. Undoubtedly, therefore, it was always thought that, as the negotiations proceeded, and in proportion as there seemed to be any reason to expect that they might terminate in a satisfactory manner, Prussia should be invited, not to negotiate the Treaty of Peace, but to accede to the result of the negotiations of those who were more directly interested in the matter. I believe—indeed I know—that an invitation to that effect has been addressed to the Prussian Government, and I presume that invitation will be, or has been, accepted. Of course Prussia is desirous to be a member of the Conference now, as she was desirous to be so even at a time when it was not thought right, on other grounds, that she should take part in the negotiations. That Baron Manteuffel is at Paris at the present moment I very much doubt; I believe, indeed, that he has not yet left Berlin; but, of course, being Prime Minister of the King of Prussia, he is a very likely person to be sent to Paris, where he would be associated with Baron Hatzfeldt, the representative of Prussia in that capital. Sir, I repeat that nothing could be more inconvenient than that questions should be asked from day to day with regard to the course of the negotiations at Paris. The answers that would be given to such questions would lead to misconstruction—would either excite expectations that might not be fulfilled, or create unfavourable opinions that might not be justified by facts; and, therefore, I am sure the House will see that the Conference was perfectly right in the decision at which it arrived. Under these circumstances, I hope hon. Members will not think that they are acting judiciously in endeavouring to force the Government to depart from that discreet reserve which I believe is the only course consistent with a favourable termination of the negotiations now in progress.

RELATIONS WITH PERSIA.

Mr. LAYARD said, that at the beginning of the preceding week he had called the attention of the House to the question now pending between this country and Persia, in the hope of eliciting some expression of opinion from hon. Members on that important subject. Nothing had struck him so much, since he had had the honour of a seat in that House, as the indifference of Parliament to Eastern questions. He had hoped that the melancholy fate of Kars would have had the effect of inducing the House to take more interest in those questions, and he was strengthened in that hope by the impression that they might have to pay a large bill for operations in Central Asia. Upon the occasion to which he had alluded he stated the facts of the unfortunate quarrel which had taken place with Persia, and his conviction that that quarrel might lead to unhappy results in Central Asia. He had not seen reason since to change that opinion; on the contrary, from private information he had received, as well as from information published in the daily journals, he thought the Persian quarrel was becoming more inveterate. It had been stated that the wife of Mirza Hashim was not a relative of the Shah. He believed she was both his wife's sister and a member of the royal family. It had also been stated that Mirza Hashim himself had a right to protection. Undoubtedly he might be entitled to take refuge in the British mission; but to say that this right of protection extended to all his family, whether in or out of the mission, or even to himself when he left that asylum, was perfectly absurd. It had been further stated that we had a right to appoint a Resident at Shiraz, although not a Consular agent. Upon that point he wished to call attention to the exact words of the article of the treaty relating to the appointment of agents. As there was only one other article, it was evident that the Persian Government must have laid great stress upon the subject to which he referred. The second article says—

> "As it is necessary for the purpose of attending to the affairs of the merchants of the two parties respectively, that from both Governments commercial agents should be appointed to reside in stated places; it is, therefore, arranged that two commercial agents on the part of the British Government shall reside, one in the capital and one in Tabriz, and in those places only, and on this condition, that he who shall reside in Tabriz, and he alone, shall be honoured with the privileges of Consul General; and, as for a series of years a Resident of the British Government has resided at Bushire, the Persian Government grants permission that the said Resident shall reside there as heretofore. And, in like manner, two commercial agents shall reside, on the part of the Persian Government, one in the capital, London, and one in Bombay, and shall enjoy the same rank and privileges which the commercial agents of the British Government shall enjoy in Persia."

That treaty plainly excluded either a Consular agent or a political Resident elsewhere. But it had been said that we had formerly an agent at Shiraz. Such was the case a few years ago, but that gentleman was appointed before the conclusion of the treaty to which he had referred, and was moreover, he believed, a native of India, and consequently a British protected subject. It had been stated that two small vessels had been sent to the Persian Gulf to protect British interests there. He believed, however, that those vessels were two of the largest, if not the largest, in the service of the East India Company—that they were vessels of war—and that others of the same class were to follow. He observed, too, that the Persian Government were actually taking steps to meet us in the Gulf, fortifying Karak, and assembling troops at Bushire, and that they were also preparing an expedition against some part of Central Asia. He, therefore, entreated the House to endeavour to obtain from the President of the Board of Control some explanation of those facts. While concluding a peace at Paris we might find ourselves involved in another war, and one, moreover, in which he most conscientiously and solemnly believed we should not have

right on our side. Before he sat down he might perhaps be permitted to say a word or two on a subject in which he felt a good deal of interest—he referred to the question of the hon. Member for Roscommon (Mr. French) with respect to the attack on the Redan. He thought that the persons engaged in that attack had been most unjustly treated. It was true that the attack failed, but no blame could attach to the regimental officers who took part in it, and whose gallantry was not exceeded throughout the whole campaign in the Crimea. He understood that it had been decided at the Horse Guards that no reward should be given to the regimental officers concerned in that attack. That, he considered, was most unfair and ungenerous, and he trusted the authorities at the Horse Guards would revise their decision, and confer some honorary distinction upon the brave and gallant officers engaged in the attack upon the Redan. He should conclude by asking the right hon. President of the Board of Control the names and armament of the vessels of war which had proceeded to, and were to proceed to, the Persian Gulf from our Indian possessions? Whether the Court of Directors, or Indian Government, had been called upon to prepare an expedition against Persia? Whether any information had been received to the effect that Persia was preparing or contemplating an expedition against Herat, or any part of Central Asia? Whether the expenses of any demonstration against Persia, or of a war with that country, were to be borne by the revenues of the United Kingdom or of India?

MR. VERNON SMITH in reply said, that the hon. Gentleman was not quite right in one point; that was in reference to the right of appointing commercial agents in Persia. It was true that under the treaty we had no right to have a commercial agent at Shiraz, but it had always been customary to maintain an agent there, and with the consent of the Persian Government. He considered that two out of the four questions put to him by the hon. Member were more applicable to the Secretary of State for Foreign Affairs than to his department. In reply to the hon. Gentleman as to the names and armaments of the vessels sent to the Persian Gulf, he would state, the vessels were two lightly armed steamers, one of 500 and the other of 220 horse-power, and they had been sent, not to make a demonstration against Persia, but to protect British residents at Bushire, to whom it was thought possible some insult might be offered in consequence of the dispute between the British Minister and the Government of the Shah. The names of the steamers were the *Adayah* and the *Victoria*, but the former being required to bring home the late Governor General of India, another vessel had been substituted. There had been no additional vessels sent. It was a mere substitution of one for another. With regard to the second question, he hoped the hon. Member would excuse him if he declined to give an answer, on the ground that it was unusual to give information in respect to communications that passed between the Government and the Court of Directors of the East India Company, and he should be sorry to transgress the rule which had been always acted upon by his predecessors. In reply to the third question, he had to state that rumours had reached this country, and he believed they were true, that the Persian Government were preparing some sort of expedition, or rather that they were increasing their troops by 10,000 men, which might possibly be intended as a demonstration against Herat; but there was no positive information of that fact. To the fourth question, as to the expenses of the war, should war take place, he had to say that no arrangement had or could have been come to on that point. In those eastern wars it was customary for the Court of Directors and the Treasury to bear the burden according to the extent to which the war was undertaken in the Imperial interests or in the interests of the Indian Government. That had been the course in the Chinese war and in the Affghan war. It depended upon whether the objects of the war were strictly Indian, strictly Imperial, or Imperial and Indian mixed, whether the cost was borne wholly by the Treasury, by the East India Company, or by both together. Those questions were always taken into consideration when the expenses of the war came to be discharged, which in the present case may never occur.

SIR DE LACY EVANS said, he was desirous of saying a word on the subject raised by the hon. Member for Aylesbury (Mr. Layard); and he confessed it was not with entire satisfaction that he heard the statement of the right hon. President of the Board of Control with regard to our relations with Persia. That right hon. Gentleman had let slip an expression which seemed to imply that an Indian war might be looked for as a probability. Looking to the very doubtful nature of the cause for such a war, which would be unworthy of England, he thought that the Government ought to prevent even the appearance that hostilities were about to ensue between the two countries, or show any hesitation in bringing the matter to a pacific solution. He could not help calling the attention of the House to the very unsatisfactory and trivial causes from which many of our Indian wars had sprung; for instance, the war with Burmah, which arose from some English vessels of war going to Burmah to ask for restitution of a small sum to one of our merchants; and a difficulty having arisen about some point of etiquette on the governor not returning the commodore's visit a war followed, which the Governor General of India was said not to desire. Then the last war at the Cape was caused by the theft of a hatchet, or some such valuable commodity. He hoped, therefore, that we were not about to slide again into a useless and expensive war; and the Government ought to send out the most decisive orders to the Indian Government on that point. If Persia was really planning an expedition to Herat, he hoped that the Indian Government would not send an army into Affghanistan, for he thought we had had enough of that.

MR. GLADSTONE said, he wished to say one word upon the observations made by the hon. Member for Aylesbury (Mr. Layard) in relation to the apparent commencement of a quarrel with Persia. The House would recollect that, when the hon. Member originally drew the attention of the House to that question, he gave a recital of facts, and was followed in the discussion by his noble Friend at the head of the Government. His noble Friend stated to the House that the hon. Member for Aylesbury did not appear to be well informed on the facts, and he proceeded to make a statement which he said was perfectly correct; but the impression made upon his (Mr. Gladstone's) mind, and he thought on the mind of other hon. Members, was, that there was no very material difference between the two relations, and that the statement of the hon. Member for Aylesbury was in its substance correct. Although the House had judiciously observed that reserve which the noble Lord at the head of the Government had so strongly enjoined, yet he (Mr. Gladstone), for one, could not help thanking the hon.

Member for Aylesbury (Mr. Layard) for taking up the question, because the short discussion that had taken place in the House must clearly show the Government that there was some uneasiness in the House on the subject. It was right that, at the commencement of such matters, which, at their origin, seemed little, but afterwards became great, that they should be left in the hands of the responsible advisers of the Crown. But, at the same time, when they heard of the departure of vessels of war and expeditions, and of the departure of the Queen's representatives from the Court to which they were accredited, it was no wonder that such a sentiment of uneasiness should gain ground, unless there was on the face of the facts a presumption that there was an adequate and reasonable cause for such a state of things. Now, so far from that being the case in this instance, it appeared to him, from all he had seen of the papers relating to it, that this quarrel, if quarrel there was to be, was founded altogether on questions and matter of the most insignificant and trumpery character. There was another point which—important at all times—became of the more importance after the answer which the right hon. Gentleman the President of the Board of Control had given to the hon. Member for Aylesbury, because he had let slip words which were of the greatest weight, and called for observation in that House. The second question asked by the hon. Member for Aylesbury was, "Whether the Court of Directors or Indian Government had been called upon to prepare an expedition against Persia?" That question was met with silence on the part of the right hon. Gentleman (Mr. V. Smith), but he (Mr. Gladstone) could make no complaint of that silence. The fourth question was, "Whether the expenses of any demonstration against Persia, or of a war with that country, were to be borne by the revenues of the United Kingdom or of India?" To that question the right hon. Gentleman stated that was a matter which, if war should arise, could not in the first instance be decided either by the Government or by reference to that House. It was a question which must stand for future consideration, and which might lead to delay, discussion, and correspondence between the Company and the Government. In that statement the right hon. Gentleman was justified by the facts, for it was only recently that the expenses of the Chinese war were settled —if settled they were—sixteen years after its termination. [Sir J. W. HOGG: They were not settled.] His hon. Friend the Member for Honiton said they were not settled. He believed the fact to be that they were settled to the satisfaction of the Government, but not to the satisfaction of the Company, of which the hon. Member for Honiton was a director. But he wanted to call attention to the importance of that answer as affecting the constitutional privileges of that House. It was true that the power of declaring war was confided to the Crown, but when war was once made, that House must be called into Council at an early stage, because the means of making war must be applied for to that House; so that, when war was made, the House might know what resources were to be provided for carrying it on, and also be satisfied as to the adequacy of the causes which led to it. Now, they were told that when this war took place—if there was to be war —the whole question of who was to defray the costs of that war should stand over for future consideration, as also who was to be responsible for the war. He would not go into the question of how far the British people should be exempted from the cost of Indian wars; but he entirely denied that they had a right to charge the Indian revenues for British purposes, and then hold themselves exempt from the consequences. But he would point out that if they were to take the declarations of his right hon. Friend (Mr. V. Smith) to the letter, war may be made, expenditure to any amount may be incurred, and the intention might be ultimately to charge the whole upon the taxes of the people of England, and yet they might never hear of it when it was made, during the time of its continuance, nor after its close; it might stand over, like the operations of the China war, for many years after the transactions had taken place. He entirely acceded to the doctrine of the First Minister of the Crown that they ought not to interfere prematurely or in any manner calculated to embarrass the Government. But, on the other hand, he hoped that after what had taken place the Government would feel that before the country was involved in any of those Eastern quarrels, which could not be regarded as merely affecting the East India Company, but were British, and British only, the House of Commons might have an opportunity of giving its opinion of the importance of the question and the justice of the quarrel.

MR. VERNON SMITH said, he must deny that he had said that the question of the responsibility for the expenditure of the war would be postponed until after the war. What he had said was, that it would be settled after a consideration of what interests—British or Indian—were concerned, and the probability was that it would be settled when the war, if war there should be, was commenced.

SIR JAMES HOGG said, the observations of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) were calculated to mislead the House as to the real facts of the case which he had quoted. Before the Chinese war began, before a single soldier was moved, before a single expense was incurred, and before a single order was given by the Indian Government, the Court of Directors had a written declaration from the Minister for India, given with the assent of Her Majesty's Government, regulating and determining the persons who were to pay the expenses of that war, and the resources from which every item of expenditure was to be drawn, whether from the Imperial or the Indian Treasury. It would ill become him to enter at any length into that question, but with regard to the Chinese, the Affghanistan, and, if his memory served him, every war on account of which the revenues of India had been subject to any charge, the responsibility had been clearly and distinctly ascertained and stated beforehand, and not left in so unsettled a condition as might be inferred from the observations of the right hon. Gentleman.

THE ARMY MEDICAL DEPARTMENT—QUESTION.

MR. STAFFORD said, he would beg to ask the Chancellor of the Exchequer when the Treasury would approve or reject the warrant in reference to the Army Medical Department, which had been sent from the War Office with the recommendation of the Secretary of State for the War Department.

THE CHANCELLOR OF THE EXCHEQUER said, a proposition for the augmentation of the pay of the Medical Service of the Army had been communicated to the Treasury. It was a question of great magnitude and importance, as it involved not only an increase of the pay of the Medical Department of the Army, but also of that of the Medical Service of other branches of Her Majesty's Service. He was sorry to say that he did not think it consistent with his duty to accede to the proposition, and he could not state that there was any prospect at present of that plan being carried out.

ATTACK ON THE REDAN—QUESTION.

COLONEL FRENCH rose to ask the First Lord of the Treasury whether any inquiry had taken place, or was to take place, as to the causes which led to the failure of the attack on the Great Redan, at Sebastopol, by Her Majesty's troops, on the 8th of September last—a failure which had somewhat detracted, unjustly as far as the soldiers and regimental officers were concerned, from the glory acquired by the English army at the Alma, Balaklava, and Inkerman. His object in bringing the notice of the House was that the blame of that failure should rest on those to whom justly attributable. The arrangements preliminary to the assault on the Redan were notoriously and inexcusably defective; the trenches were not pushed on towards it, as they should have been, nor was there a *place d'armes* prepared where a force sufficient to have secured the success of the attack could have been stationed. It was not thus Marshal Pelissier acted in preparing for his assault on the Malakoff, his trenches were carried up to the walls of Sebastopol; he had a *place d'armes* sufficient to hold and which did hold 30,000 men. Had the same precaution been taken by the English Commander in Chief that was taken by the French, the result would have been the same—success in both cases. Nor was there any reason why this should not have been done; there was sufficient time, and the difficulties of ground were not greater in one case than in the other. The dip between the Quarries and the Redan was not greater than that between the Mamelon and the Malakoff, and the ground was as easily worked. In addition to our arrangements having been so defective, the attack was made by an insufficient force. Out of the large force under his command, General Simpson ordered but 5,000 men for this purpose. Every competent military authority, both English and French, declare that the supporting columns should have been at least 10,000 strong. Small as the force was, it was not used; one half of them never left the trenches. The troops who so gallantly made good their entrance into the Redan were left unsupported for upwards of an hour and a half to struggle as they best could against fearful odds and an overwhelming force. Nobly and gallantly did they do so; shamefully and disgracefully were they sacrificed. The General in Chief was three quarters of a mile distant, separated by a deep ravine from the trenches, with which it was not possible for him to communicate, were he desirous of doing so. He left two officers in command, without any definite orders, to exercise their own discretion. The result, as was to be expected in every divided command, was, that nothing was done, or attempted to be done. The management of the whole affair was well described in a paper he held in his hand—it was the testimony of an eye-witness, who viewed the attack from Stony Hill—

> "Here I found a French soldier seated on the ground, behind a heap of stones; he made room for me, and I sat down beside him. He told me that he had seen our gallant fellows get into the Redan, but said he had only seen one attacking party enter, and that they had suffered most severely in the approach. 'Are you sure they are inside?' I asked. 'Certain,' he replied; 'at the first pause of the wind you will see the musketry fire in the Redan.' When, after a few minutes, I caught sight of the Redan, I distinctly observed that there were two fires opposed to each other inside the works, ours the most stoutly maintained; at the same time, though the corpses lay thickly about the abattis and ditch, I could occasionally distinguish some of our men on the parapet, or in small and straggling numbers in the open. The space between the abattis and the Redan was perfectly bare of moving masses, and the Frenchman got into a violent passion. 'My God!' he said, 'where are your supports? Where are your reserves? Do they expect that handful of men I saw enter to maintain that place? It is impossible for them to do so. Depend on it you will lose the day unless reserves are sent up, and that quickly.' Alas! they never came. Nearly an hour did that Frenchman and I sit there, and during the intervals we were able to distinguish objects, no one large body of men advanced to the support, though the fire was continued with great obstinacy."

Had our attacking party been supported as they should have been in the Redan, it would have been held, and the escape of the remnant of the Russian army prevented; not a man of them could have crossed the bridge—they must have surrendered themselves prisoners of war. What had been the conduct of Her Majesty's Government? They promoted and rewarded the General in Chief, made him a full General, gave him a regiment and a Grand Cross, and at the same time refused all recognition of the services of the regimental officers engaged because the attack was a failure, a decision which combined undue favouritism with glaring injustice, which declared that zeal and valour were to be disregarded, whilst neglect and incapacity were to be promoted and honoured. He (Colonel French) should have preferred the inquiry should have been demanded by an officer of the line, but as it had not been, he felt it his duty to ask for it. Having lost a gallant and near relative who was killed at the head of his regiment in the Redan, having led them to the attack through that sea of fire, in a manner worthy of a British soldier—Colonel Handcock of the 97th—he trusted the House would excuse his asking for an inquiry, essential for the honour and reputation of the English army and for the satisfaction of the English people.

Viscount PALMERSTON said, that on first receiving the account of the attack his noble Friend (Lord Panmure) wrote for further details. Those details were quite satisfactory, and entirely exonerated from blame all the persons who were concerned in the attack. He quite concurred with his hon. Friend that so far from this day casting any slur upon the British arms, it was honourable to the valour of both the officers and soldiers. He would only remind the House that the attack on the Redan was the result of a joint arrangement between the French and British officers, and that if the British troops did not succeed in that undertaking, so also the French troops failed in three other attacks on the same day. The difficulties in the way were very great. All the operations were intended to contribute to the taking of the principal point—the Malakoff; and, although one might lament the misfortunes which had occurred at other points, very probably the assault in this quarter might not have succeeded had not those attacks been made. So far from thinking that the 8th of September was any reproach to the British arms, he thought that both that day and the 18th of June might be mentioned as days which shed lustre on the British army.

THE WILL OF MR. DYCE SOMBRE.

Mr. OTWAY said, he would beg to ask his right hon. Friend the Secretary of the Board of Control, whether the President of that Board would sanction the Directors of the East India Company in the prosecution of a law-suit concerning the will of the late Mr. Dyce Sombre, in which judgment had already been given against them, and they had incurred an expense of not less than £30,000; and whether they would be entitled to discharge such costs from the revenues of India, or would carry on the suit at their own risk? By this suit it was sought to establish a will which had been brought forward by an individual Director, Mr. Prinsep, to whom it bequeathed £10,000, and a third portion of jewels, valued at £17,000 or £18,000. It also left to the right hon. Gentleman on the Treasury bench (Mr. V. Smith), and to the Chairman and Vice Chairman of the Board of Directors, £1,000 a year, and to every individual who held, or had ever held the office of Director £1,000. Of this will, which had been prepared by the private solicitor of Mr. Prinsep, that gentleman was executor, jointly with the Hon. Mountstuart Elphinstone and Sir H. Eliot, both of whom had refused to take any part in the proceedings. Mr. Prinsep had obtained from the Directors of the East India Company a guarantee that they would pay all expenses which he might incur by sending commissioners to Paris or to India; and on the commission to the latter his brother was employed at a large salary. The Law Officers of the Crown had given an opinion that the President of the Board of Control had a right to restrain this expenditure; and that the right hon. Gentleman ought not to abdicate his functions because the Directors said that they demurred to that opinion.

MR. DANBY SEYMOUR said, that the Directors of the East India Company were not satisfied with the opinion given by the Law Officers of the Crown, and wished to consult their own legal advisers. The Board of Control had determined to allow them time to do so; and as soon as an answer should be received from them the President of that Board would take what measures he thought proper. Until the opinion of the Law Officers of the Company had been received it was impossible that the Board, the authority of which was disputed, should act. Any steps taken by the Directors of the East India Company were now taken on their own responsibility.

The Motion for the adjournment of the House at its rising until the 31st March was then put and *agreed to.*

PUBLIC BUSINESS.

MR. DUNLOP said, he would now move that on the 17th of April, and every subsequent Thursday of the Session, the Orders of the Day should take precedence of Notices of Motion. His object in bringing forward the Motion was to facilitate the private business, and not to deprive hon. Members of a notice of Motion day. If his Motion were agreed to, hon. Members would still have the power of raising a question on any other night on the Motion for going into Supply. Already there had been thirty Bills introduced by private Members, and it was with the greatest difficulty and at long intervals they could advance them a stage. It had been usual for the House in past Sessions to pass a similar Motion to that now submitted to the House, and near about the period he had named.

MR. MALINS seconded the Motion. He said that the present system of giving precedence to Motions on the evenings of Tuesday and Thursday was objectionable in this respect, that it had the effect of keeping a large quantity of unfinished business continually on the Votes. A private Member might easily obtain leave to bring in a Bill, but the subsequent progress of the measure was encompassed with difficulties. When set down for second reading it became an "Order," and having in that character to yield precedence to Motions, it might be postponed from night to night for weeks together. It was to be hoped that the Government would refrain from offering any opposition to the Motion, as its adoption, he considered, was necessary for the due transaction of public business.

Motion made, and Question proposed—

> "That upon Thursday the 17th day of April next, and upon all subsequent Thursdays during the Session, Orders of the Day have precedence of Notices of Motions."

MR. SPOONER said, it had always been the custom, as the hon. and learned Member for Greenock (Mr. Dunlop) proposed, to arrange for Orders of the Day to take precedence on Thursdays after the Easter vacation; but this year Easter came much earlier than usual; he should, therefore, move, as an Amendment, that the date when the Resolution was to take effect should be the 1st of May instead of the 17th of April.

MR. MONTAGU CHAMBERS said, he had great pleasure in seconding the Motion, as he had long seen the great disadvantage which Members laboured under in bringing on Motions. If a disagreeable Motion was on the paper, it was usual to get rid of it by there being no House on that day; but assuredly hon. Members had the remedy in their own hands.

Amendment proposed, to leave out the words "17th day of April," in order to insert the words "1st day of May," instead thereof."

VISCOUNT PALMERSTON said, he believed that much might be said on both sides of this question. If hon. Members who had Motions to make thought they were too much limited in the times at which they could be made, they availed themselves of the privilege of bringing forward Motions on Supply nights. It was true that that course was attended with a good deal of inconvenience; and if he might be allowed without offence to revert to an instance which took place recently, he should say that the speech lately made by an hon. and learned Gentleman about life peerages and the appellate jurisdiction of the House of Lords, was one that did not appear to be very much connected with a Motion to go into Committee of Supply. On the other hand, it certainly was desirable to give opportunities to private Members for carrying the Bills which they had introduced through the subsequent stages. He thought that, perhaps, the time fixed by his hon. and learned Friend behind him (Mr. Dunlop) was rather too near, especially when it was remembered that Thursday, the 10th of April, had already been determined to be an Order Day for the purpose of the Resolutions to be moved by the noble Lord the Member for London (Lord J. Russell) on the subject of education. He thought, therefore, that the House might close with the Amendment, and fix the 1st of May for the day upon which Orders of the Day should take precedence of Notices of Motion; but on the part of the Government he should put in a claim to share and share alike with private Members.

MR. DISRAELI said, he would not oppose the suggestion of the noble Lord, but he thought the hon. and learned Member for Wallingford (Mr. Malins) and others had not sufficiently considered the matter. It would have been wiser for the independent Members not to have diminished their privileges in any way. Generally speaking, individual legislation could not be very successful in that House; but the use of those two days, the Tuesdays and Thursdays, was that they served as safety valves, and, if there was any subject of great interest which ought to be brought before the House, gave opportunities for its discussion. Now, the noble Lord (Viscount Palmerston) when he agreed to the Amendment, intimated that the Government would come in for a share of the Thursdays, and it would be, no doubt, the lion's share. That would not be to the advantage either of individual Members or of the public generally, and he thought the agreement had been rather precipitately made.

SIR CHARLES WOOD said, that, so far from its being a new agreement, it was an arrangement which had been adopted before, and in favour of which they had the experience of the last three years. The Government has always had a share of the Thursdays from the first week in which Orders of the Day had precedence.

MR. GLADSTONE said, he was of opinion that Governments were apt to receive but scant justice in matters of this kind, their applications in the middle of the Session for a larger share of the time of the House to be devoted to public business being invariably treated as though they contemplated some personal privilege, or sought some alleviation of their responsibility. Yet, if any Government wished to shirk its duty, nothing could better suit its purpose than that a greater proportion of the time of the House should be appropriated to the Motions of private Members; for the more nights they set apart for the transaction of Government business, the greater must be the labour and responsibility of the Government. The right hon. Gentleman opposite (Mr. Disraeli) said the two nights in the week open to private Members were safety valves; and, certainly, nothing could be more absurd than to repress unduly the activity of independent Members in the discharge of their duty to their constituents and the country. Admitting the principle of safety valves, he would ask the House to consider the extent to which they already existed. They had, for a considerable part of the Session, the safety valve of two days in the week for Notices of Motion; there was a third day in each week devoted to the "Orders" of private Members; and hon. Gentlemen also enjoyed considerable liberty—which was very indulgently permitted by the House—of putting questions, and frequently occupying in this matter half an hour or an hour out of the six or seven hours which were available for business. Another of those safety valves was to be found in the Motion made every Friday for the adjournment to Monday, upon which any question might be raised, and which gave occasion for miscellaneous discussions that frequently lasted an hour or two. Another of those safety valves he might mention was that, whenever a question was brought before the House by a private Member under circumstances of peculiar urgency, an appeal was invariably made to the Government to give a day for the purpose of the debate. There was still another safety valve in the opportunity afforded of raising any question on going into Committee of Supply. It must be recollected that, while those opportunities were afforded to private Members, the Government were expected, during the limited portion of time left to them, to perform—and they actually did perform in every Session—the duty of carrying through nine-tenths of the entire legislation of the House. He had always felt, when he sat on the Treasury bench, that the Government, with reference to that subject, scarcely received the consideration they might expect, and to which he thought they were entitled.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *inserted.*

Main Question, as amended, put, and *agreed to.*

Resolved—

"That upon Thursday, the 1st day of May next, and upon all subsequent Thursdays during the Session, Orders of the Day have precedence of Notices of Motions."

On the Motion for going into Committee of Supply,

Mr. NEWDEGATE said, he wished to make a few remarks with respect to one item in the Votes, in order to prevent confusion. A Return had been asked for as to the Enfield factory expenses, and the Return furnished did not meet the view of the Mover. The Resolution of the Committee some time ago set forth that an account showing the actual profit and loss was to be furnished annually, and the right hon. Gentleman the Clerk of the Ordnance then stated that at the end of every year such an account would be presented, showing every halfpenny of the expenditure. The Return that had been recently granted was not the Return that had been promised, and he, therefore, appealed to the right hon. Gentleman to fulfil his previous promise.

WILL OF MR. DYCE SOMBRE.

Sir JAMES HOGG said, that the hon. Member for Stafford (Mr. Otway), without giving such a notice as would have led to the supposition that he was about to make a statement affecting the Directors of the East India Company, or rather a particular Director, had merely put on the paper notice of a question as to the payment of certain law expenses connected with the case of Mr. Dyce Sombre. The hon. Gentleman had made a statement which was calculated greatly to mislead the House. The facts were these. Mr. Dyce Sombre, five or six years after the commission of lunacy had been issued against him, became, if not sane, at least so well, that the Lord Chancellor accorded to him the entire possession of his property and power of expending it. While in that state he made a will, the whole of which, as he (Sir J. Hogg) believed, was in Mr. Dyce Sombre's handwriting, and also some drafts of it and comments upon it. The will was attested by three of the first physicians in Paris. Mr. Dyce Sombre died, and by that will he had bequeathed £200,000 for the establishment of a great institution in India, for the education of the natives of India. When he died, the Directors of the East India Company understood that the will was to be contested on the ground of insanity. He (Sir J. Hogg) would ask the House and the public whether the East India Directors would have been justified in foregoing a bequest of such magnitude, made by a person apparently sane, for the benefit of the people of India? The course which they adopted was simply this. They desired to put the case before their legal advisers, who should adopt the proper course to ascertain whether or not this was the will of Mr. Dyce Sombre. The case accordingly went before the Prerogative Court. It was heard, and so difficult was it that the Judge took seven months to deliver his opinion, which was at length against the sanity of the testator. Now the hon. Member for Stafford had led the House to suppose that the Directors of the East India Company had some personal interest in the matter, especially Mr. Prinsep. It was true that the will contained a large bequest to Mr. Prinsep; but could it be supposed that that gentleman would be influenced by such a consideration? There was also a bequest of £1,000 to each of the Directors, and £1,000 a year respectively to the President of the Board of Control and the Chairman and Vice Chairman of the East India Company, who were regarded as trustees for the management of the charity. That was the state of the case, into the merits of which he would not enter. From time to time the Court of Directors had expended money on legal proceedings, independently of any control of the President of the Board of Control. He was informed that the law officers of the Government said that those expenses ought to be subject to the approbation of the President of the Board of Control. It was of very little consequence, but there was a specific reservation that the Court of Directors should have power to communicate with their legal advisers, and expend the necessary money for doing so, without the sanction of the President of the Board of Control. But he, although his sanction was not asked, had known of every farthing so expended and every such resolution of the Directors; and their determination to take the opinion of a Court of Justice on this will appeared in their Minutes, which were submitted to the President of the Board of Control. The Directors were mere trustees for the public of India, and had thought themselves bound to try the validity of a will by which £200,000 was bequeathed for an educational establishment in India. In discharging their public duty as trustees, they tried the validity of the will, and there was no way of doing that but by taking the opinion of the Prerogative Court. The same reason that induced them to do that, induced them to carry the case to a higher Court. When he was Chairman of the East India Company, he received a letter from Mr. Dyce Sombre, stating that he wished to make his will, and requesting him to send a solicitor to him. But inasmuch as a commission of lunacy had been issued against Mr. Dyce Sombre, he judged it best not to answer his letter, and not to send to him the gentleman he requested him to send.

SOUTH WALES LUNATIC ASYLUM.

MR. PHILIPPS said, he wished to call the attention of the Secretary for the Home Department to an order which had been issued respecting the construction of a lunatic asylum in South Wales. The order had been addressed to the magistrates of Pembrokeshire, calling on them to provide a separate asylum for eighty pauper lunatics. Two or three years ago it was contemplated to erect one for Pembroke and the three adjoining counties; but an inspector having reported against the site selected, the asylum had not been erected. Another site had been selected in the western part of Glamorganshire; but that also had been objected to. He hoped the right hon. Baronet would consider the case, and would suggest to the Commissioners of Lunacy that they should give their assistance in the matter.

SIR GEORGE GREY said, that by the 16 & 17 *Vict.* c. 97, counties and boroughs were required to provide suitable accommodation for pauper lunatics. By the 29th section the Secretary of State for the Home Department could call upon them to provide such accommodation, if they had not done so, within a year after receiving notice. On the 15th of February last he had received a Report from the Commissioners of Lunacy that in the counties of Cardigan, Glamorgan, Pembroke, and Carmarthen, there was no sufficient accommodation for lunatics, although they amounted to 586 in a population of 500,000. They had urged him to put in force the provisions of the Act, and he had accordingly directed notice to be sent to those counties. It was not intended that there should be a separate asylum for each; and if an asylum were erected sufficient for the pauper lunatics of the four counties, the terms of the Act would be complied with. He was sure every reasonable assistance would be given by the Commissioners in establishing such an asylum.

SOUND DUES.

MR. MILNER GIBSON said, he wished to put to the noble Lord at the head of the Government a question of great commercial importance. It was generally understood that a Conference had been lately sitting at Copenhagen, but which had not as yet been concluded, with reference to the abolition of the Sound Dues. He had heard from common report that, at the last sitting of the Conference, which took place on the 2nd of February, the Danish Government communicated a definite plan for the abolition of those dues, which had been considered acceptable, and referred to the several Governments taking part in that Conference for their approbation; and that it was at the present moment under the consideration of Her Majesty's Government. If that were the case, he thought that the present was the proper moment, before Government decided one way or the other upon it, to revert to a subject which he had brought under the notice of the House in 1839. He alluded to the toll charged by the Danish Government on goods carried by the road from Hamburg to Lubeck. That was then a new duty, and was levied for the protection of the Sound Dues, as the road between those two cities having been improved, the trade between the North Sea and the Baltic was beginning to be carried out. Under those circumstances he first called the attention of the British Government to the subject; and the noble Lord opposite, who was then Foreign Secretary, remonstrated against the impost, and threatened the Danish Government with retaliation. That toll was still levied; and if they were now about to do away with the Sound Dues, and establish perfect commercial freedom between the two seas, it would be incomplete if they did not include in it the abolition of the transit dues between Hamburg and Lubeck. He did not, of course, wish that the noble Lord should tell the House what the plan proposed by the Danish Government was. The question he would put was simply this—that as the proposals of Denmark were now under the consideration of Her Majesty's Government, whether they had directed their attention to the removal of the transit dues charged in Holstein and Lauenberg?

VISCOUNT PALMERSTON said, that the right hon. Gentleman was quite right in saying that communications were going on between the Danish Government and other Governments concerning the trade to the Baltic, on the subject of a commutation of the Sound Dues. Of course his right hon. Friend could not expect him at present to enter into any details of the arrangement, or to state what they were. No communication had been made to the Danish Government on the subject of the tolls adverted to by his right hon. Friend. When attention was drawn to the subject in 1839, representations were made to the Danish Government, and the toll was to a certain degree lowered. What passed at that time showed that Government might consider itself entitled, if a proper occasion occurred, to make representations to the Danish Government on the subject.

APPROPRIATION OF THE ESTIMATES.

MR. H. BAILLIE said, that when the House was in Committee on the Army Estimates, it was stated that when any Estimate exceeded the amount required for the public service the surplus remaining in the hands of the Government was, by the Appropriation Act, turned over to any purpose which the Government might think proper to apply it to without the control of that House. Now he wished to call the attention of the House to the manner in which that power was worked by the Government. Take first of all the Estimates for the Army. Last year the Vote was for 212,000 men. He was informed that on the 1st of January there was a deficiency of 45,000 men, and that a deficiency equal to that, or nearly so, existed almost the whole year, so that the Government had received during the last year an amount of revenue equal to the maintenance of at least 40,000 men, which they had been at liberty to divert to any other purpose that they might think proper to apply it to. That was as regarded the Estimates of last year. This year Government proposed to them an additional number of 30,000 men, the Estimate being for 246,000 men, so that in order to complete that Estimate Government would have to raise no less than 70,000 men in the course of the current year. In addition to that, the loss of the army in time of war might be taken at about 30,000 a year, so that if that Estimate was to be fairly carried out they must raise within the year at least 100,000 men; and they all knew it to be impossible for them to raise even 50,000, which was more than had ever been raised within any one year. They would, therefore, have an enormous amount of surplus money on the Army Estimates in the present year. Then the Estimate for the Militia was for 120,000 men. Now it was well known that they had not got half that number of men, and if they got half as much, that was as much as they could expect to raise on the volunteer system. The Estimates for the Militia amounted to about £3,000,000, so that Government would have a surplus on that head of about £1,500,000. He trusted that Government would be able to offer some explanation as to what they did with that large surplus.

MR. WILSON said that, as he understood the question, it was this:—If there were a sum of money taken for a certain number of men, and that number of men were not raised, what became of the surplus money? The rule with regard to this particular Estimate, and to all Estimates, was this: At the close of the year the accounts were made up, and they were audited by the Commissioners of Audit. If there was a surplus, it was returned into the Exchequer; and if there was a deficiency, it was provided for by a Vote. The House would bear in mind that the Votes of the House in Committee of Supply bore no relation to the money in the Exchequer. The cash account was one thing, the estimated expenditure was another and a different thing. There might be a large excess of expenditure for which the moneys in the Exchequer were not sufficient. On the other hand there might be a great diminution in the expenditure, and there might be no surplus in the Exchequer. The House would perceive that whether the moneys in the Exchequer were sufficient to meet the whole expenditure did not depend altogether upon the Votes of Supply, it depended also upon the amount of revenue within the year; and although it was always estimated in the Budget that the revenue from all sources would be sufficient to meet all the Votes, yet if the revenue fell short, as it had done this year, the Estimates would, of course, be insufficient. Had the whole of the militia been embodied last year and the whole of the £3,000,000 that was voted for the militia been expended, the effect would have been that the increased expenditure over and above that which was likely to have taken place would have been £1,500,000 in addition.

Mr. FREDERICK PEEL said, that, if the hon. Member for Inverness-shire (Mr. Baillie) would look to the mode in which the increase of 30,000 men was distributed, he would find that the increase was in the Artillery, the Engineers, the Land Transport Corps, and the Foreign Corps. There was also an apparent increase, which was not really an increase, arising from the transfer of some regiments from the Indian establishment to our home establishment, the expenses of which, consequently, were no longer borne by the Indian, but by the Imperial Treasury.

Mr. SPOONER said, that, with reference to the observations made by his hon. colleague (Mr. Newdegate), he wished to explain that the accounts which he (Mr. Spooner) had asked for were totally distinct from those which his hon. Friend had asked for. The accounts which he himself had asked for were those recommended by the Committee of last year, and had reference to the special expense of the cost of the manufacture of small arms at Enfield.

Mr. MONSELL said, that, as the Enfield factory was not yet at work, it was obviously impossible to furnish the returns required by the hon. Member of the number of small arms it had turned out.

Sir HENRY WILLOUGHBY said, he wished to know under what authority money voted for one purpose had been applied to another? He was aware that, under the provisions of the Appropriation Act, the surplus of one Vote could be applied to the purposes of another by going through certain forms, but that power was never meant to be carried to such an extent as it had been in this case. Now that the Army, Ordnance, and Commissariat Estimates were all lumped together in one Estimate, it would be perfectly possible for the War Minister to spend the whole £35,000 voted without any control, just as he pleased, and the functions of the House of Commons, as guardian of the public purse, would be entirely nullified. It was a question for consideration whether some change ought not to be made in the Appropriation Act to meet the case.

Sir FRANCIS BARING said, he thought this was a question of great importance, and he should be glad to hear some explanation from the Government as to what they intended to do with regard to it. Formerly the Army, Ordnance, and Commissariat Estimates were all voted separately, and though, with the consent of the Treasury, the surplus of one Vote in the Army Estimates might be applied to the purposes of another Vote in the Army Estimates, money could not be transferred from the Army Estimates to the Ordnance or Commissariat Estimates. Under the new arrangement, however, Army, Ordnance, and Commissariat Votes, all being taken in one Estimate, it would be perfectly possible to apply money voted for Army purposes to Ordnance or Commissariat purposes, or *vice versâ.* Under those circumstances the check possessed by the House of Commons over the expenditure of the public money was very much weakened. He would suggest that a Committee should be appointed to consider in what way Parliament, without interfering with the efficiency of the public service, might retain, what it ought really to have, some check over the issue of public money.

Mr. WALPOLE said, he thought that the proper time for providing against the risk of abuse in the transfer of money from one Vote to another would be when the Appropriation Act was brought forward. From what had passed on a former evening he had gathered that the subject had engaged the attention of the right hon. Gentleman the Chancellor of the Exchequer, and he would suggest that the right hon. Gentleman should confer with the noble Lord at the head of the Government before the whole of the Estimates were voted, and endeavour to come to some decision as to what course it would be most advisable to adopt to meet the difficulty caused by the new mode of preparing the Estimates.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply.

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding £238,404, be granted to Her Majesty, for defraying the charge of the Educational and Scientific Branches, which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

VISCOUNT PALMERSTON said, that with respect to the observations of the right hon. Gentleman the Member for Midhurst (Mr. Walpole), it was quite true that in former years there were separate Estimates for the Army, Ordnance, and Commissariat, and that, by restrictions in the Appropriation Act, the surplus of the Ordnance, could not be applied to meet deficiencies in the Commissariat or of the Army, and *vice versâ.* Now, all those services were included in one Estimate. Unless some new provisions were made in the Appropriation Act, there would certainly be the power of devoting the surplus arising under one head to meet deficiencies occurring under another. The Committee would see that, unless some latitude of the kind were permitted, great inconvenience to the public service might arise. He quite admitted that it might be proper, now that the three services were included in one Estimate, for the House of Commons to consider whether some different arrangement ought not to be made in the Appropriation Act. With respect to the Ordnance, it must be remembered that formerly one military branch, the artillery corps, was quite separate from the rest of the army. That corps was now connected with the army, of which it might be considered a part. There were, also, other changes in regard to stores and works of different kinds; and, no doubt, the subject was one deserving of consideration when the proper time came. The Committee, however, must remember that they were only taking Votes on account, and that the whole of the Estimates must again come under their consideration at a later period of the Session, when there would be an opportunity for discussing the subject.

MR. SIDNEY HERBERT said, that the Vote now proposed was not a Vote on account, merely, but was for the whole sum required. He would suggest that a Vote on account only should be taken for these reasons. When the Estimate was framed it was, of course, impossible to foresee whether peace would be made or the war continue. In the Vote there were some omissions, and, also, some slight additions, to both of which he objected. The reason of the omission was that, as long as the war continued, it would be impossible to institute any new system of instruction for officers in the army. If peace should be made, he would take the earliest opportunity to discuss many subjects connected with the future peace establishment of the army—not only as to its numbers, but to its organisation, concentration, and employment, and, above all, the education to be given to military officers. He wished, therefore, to postpone that discussion until the question of peace or war was decided, and, with that view, he would suggest that a Vote on account only should be taken.

COLONEL NORTH said, he wished to call the attention of the Government to a question connected with the Royal Military College at Sandhurst. A Select Committee had some time ago been appointed by that House to take into consideration the propriety of making provision for the education of a limited number of the orphans of officers of the army and navy in that establishment, and that Committee had recommended that ten such orphans should be admitted last year, and that that number should as early as the present time be increased to twenty. Now, notwithstanding the recommendation of that Committee, not a single orphan had as yet been admitted to the institution, although it appeared that twenty-five cadets, who paid at the rate of £25 a year each, and two sons of field officers, who paid at the rate of from £60 to £80 per annum, had since obtained admission. He might add that the most anxious desire of the Committee was, that the orphans of those gallant officers who had fallen in defence of their country should be enabled to enjoy the advantages which the institution afforded. While speaking upon that subject, he might be allowed to advert to the fact, that the Governor of Sandhurst College—a most distinguished Peninsular officer, who had served his country well for a period of between sixty and seventy years—had been discharged from his office as one might discharge a drunken groom, after having received a six weeks' notice. Having said thus much with reference to the institution at Sandhurst, he should beg next to call the attention of the Government to some circumstances connected with the Military asylum for the sons of the non-commissioned officers of our army. The subject was one which had been brought under the consideration of the House in the year 1854, and a decided wish had, upon that occasion, been expressed to the effect that the number of orphan sons of our non-commissioned officers in the asylum should be increased by 120. Some months after that decision had been arrived at, he (Colonel North), being anxious to ascertain whether the wish of the House had been carried into effect, had addressed a letter to his right hon. Friend (Mr. S. Herbert) who at the time held the office of Secretary at War, expressing a desire to obtain some information upon the subject. His right hon. Friend, with his usual courtesy, had stated, in reply to that letter, that a building for the reception of 120 boys would be in readiness in the spring of 1855; but he (Colonel North), on visiting the site of the building in the month of June or July of the same year, had found that very little had been done towards its erection. He had again paid the place a visit about a fortnight ago, and had found that the building had been placed in a position to admit fifty boys towards the end of last year, and that, in consequence of a notice which had been given by the hon. Member for Pontefract (Mr. M. Milnes), to the effect that he would bring the matter under the consideration of the House, an order had been received upon the very morning of his (Colonel North's) visit to admit seventy more boys, making a total of 120. Now, he hoped some satisfactory reason would be given by the Government why those 120 orphans, the sons of our brave soldiers who had perished in the Crimea, had been thus deprived of the advantages of education for a period of twelve months.

Mr. FREDERICK PEEL said, he must admit that the Report of the Select Committee upon Sandhurst College had not yet borne any visible fruits, but he hoped the Committee would not infer that the recommendations of that Committee had been overlooked or disregarded by the Government. The Government were bound to satisfy themselves that when those youths completed their education they would have the means of giving them commissions in the army, but he had always understood that the commissions which fell vacant without purchase were not more than sufficient to provide for the young men who at present completed their education at that college. The number of those commissions was rather reduced at the present moment in consequence of the arrangement by which, for every seventy-five men volunteering from the militia into the line, the Government gave a commission without purchase to an individual nominated by the commanding officer of the militia regiment. Under that arrangement some fifteen militia officers would be shortly entitled to commissions in the regular army, and, if you added twenty more young men to those educated at Sandhurst, it was quite clear that the Government could not fulfil their engagements. For those reasons it had hitherto been found impossible to comply with the recommendation of the Select Committee; but attention would be paid to the subject, and at the first fitting opportunity that recommendation would be carried out. With regard to the arrangement made in 1854, for the addition of 120 boys to the Military Asylum, it was necessary in the first place to construct a building for the purpose of accommodating that additional number, and the sum of £10,000 was so appropriated. He understood that that building was now completed, that fifty of the 120 boys had been at once admitted, and the remaining seventy were on the point of admission. As to the proposition of his right hon. Friend (Mr. S. Herbert), the Government could have no objection to accede to it, and they would therefore take a sum of £200,000 on account, leaving the remaining £38,404 to be voted at some future time.

Colonel NORTH was not satisfied with the hon. Gentleman's reply. If the Government were able to find commissions for twenty-seven youths whose parents could afford to pay £125 a year, he should like to know why they could not find commissions for twenty whose fathers had been slain in the service of their country? With respect to the Royal Asylum, what he complained of was that the children of private soldiers, who had also died in the field, should have been kept for upwards of a year out of the advantage promised them. As for the buildings to which the hon. Gentleman referred, any private person would have had them put up in less than a month.

MR. W. EWART said, he was glad to find that part of this Vote was to stand over. Four years ago he had stated his conviction that the British Army was the least educated of any in Europe, and he regretted to say that his impression remained still the same. His late Friend, Mr. Hume, was very anxious to have a reform in the education of the army, and had furnished him with Returns showing how vastly superior was the education of the Prussian army. As, however, the Vote would again come under the notice of the Committee, he would defer his observations upon that subject to a future occasion. With regard to examinations, he should be glad to know whether the standard was to be raised, and whether there was to be an examination not only upon appointments, but upon promotions in the army? Observing in the Vote a charge for libraries and other institutions, he should be glad if the hon. Gentleman would give a return of the military libraries and schools, like that which had been laid before the House on military savings banks.

CAPTAIN LEICESTER VERNON said, he wished to point out that the hon. Gentleman's strictures upon the education of British officers were not deserved, for he could state to the contrary from what had come under his own observation when attached to the Quartermaster General's Department in Ireland. It was during a time of considerable popular excitement, and Sir Edward Blakeney ordered an examination into the condition of the military posts throughout the country, requiring from the officers of detachments plans to show how they proposed to extricate themselves, if necessary, in the event of disturbance and to fall back upon larger bodies of troops. He (Captain Vernon) was astonished to find, from the plans sent in accordance with that order, the great knowledge of their profession which existed among the officers of the line. There was only one officer who did not send in a plan, but the rest were most excellently drawn up, and two in particular—one executed by an officer of heavy dragoons at Athlone, since dead, and another by Captain Reynolds, of the 11th Hussars (a regiment not generally supposed to devote itself much to study), were the finest he ever saw in his life. He had seen a good deal of foreign armies, but he must maintain that the officers of those armies were not better educated than our own. As regarded the Engineering Staff at Chatham, it was, in his opinion, far too small when the duties which had to be discharged were taken into consideration. He was glad to see the increase in the Estimate for the school at Hythe, but he should be glad to know why the salary of the Superintendent at Shoeburyness was only £200, when that of the secretary of the Select Committee at Woolwich—a civilian—was raised to £300 per annum.

MR. MONSELL said, that out of the sum named in the Vote £200 was allowed for providing practice for officers of Artillery, and the remainder was spent in giving instruction to those officers who, having passed through their studies, were desirous of improving themselves. The officer who was charged with the instruction of the junior officers of Artillery had most important duties to perform, and, as those duties had greatly increased, it did not appear unreasonable to increase his salary. He was happy to inform the hon. and gallant Gentleman that the establishment at Chatham was about to be increased by a Deputy Adjutant General of Engineers being sent there. With regard to the secretary to the Select Committee at Woolwich, he was an officer of artillery and not a civilian, and his duties were certainly of greater importance than those of the superintendent at Shoeburyness, and therefore it was only fitting that his salary should be greater.

SIR FRANCIS BARING said, that as the Chairman of the Committee which had been appointed to inquire into the expediency of providing instruction for a limited number of the orphans of our officers at Sandhurst, he could not help expressing his great disappointment at the statement which had been made by the hon. Gentleman the Under Secretary at War in answer to the hon. and gallant Member opposit (Colonel North). That Committee had made a recommendation to the effect that ten such orphans should be admitted to the college at once, and that the number in the subsequent year should be increased to twenty. The hon. Gentleman the Under Secretary at War, however, had stated that in consequence of the demand for commissions without purchase created by the war, that recommendation could not at present be practically acted upon. But the evidence adduced before the Committee went to prove that in times of peace the number of vacancies were necessarily few; so that if the Government could not carry out the recommendations of the Committee now, it was highly improbable that they would be in a better, or indeed so good, a position to do so when peace was concluded. It was highly desirable that means should be found for providing instruction, and afterwards commissions, for the sons of those gallant officers who perished in their country's service, and he trusted, therefore, that the recommendations of the Committee would be promptly and faithfully carried into effect.

Mr. FREDERICK PEEL said, that some of the recommendations of the Committee, such as the last two to which the right hon. Baronet had referred, were matters for the consideration rather of the Commissioners who superintended the affairs of Sandhurst College than of the Government. The suggestion that the senior and junior departments should be separated, and that the charge of the former should be thrown upon the Estimates, was accompanied by a recommendation that, in filling up staff situations, the Government should not neglect the claims of officers who had passed through that department if they were otherwise fit. The filling of staff situations with students from a particular college was a matter which could not be decided upon without much consideration. He could assure the House that there was no intention to disregard the recommendations of the Committee, and he had no doubt that they would in time all receive the attention of the Government. With respect to the increase in the Vote for the school of musketry at Hythe, to which the hon. and gallant officer (Captain L. Vernon) had adverted, he had to state that that increase was the result of a change in the system under which the expenditure was incurred. The school in question could not afford accommodation for more than one man and one officer from each regiment in the service at a time; and as the instruction of each individul occupied three months, it was evident that an unlimited period must elapse before all the men in the army could go through the training which was there provided. The system at present adopted was that each regiment should have attached to it a captain and a subaltern, receiving extra pay, whose duty it would be to give to the soldiers the same species of instruction which was at present given at Hythe; while district inspectors were appointed to see that captains and subalterns properly fulfilled their duty.

Colonel LINDSAY said, he considered that too little importance had been attached to the training of men to the use of the musket. He also thought that the Report of the Sandhurst Committee had not received due attention from the Government. Possibly the Committee might have travelled out of its functions, but that was no reason why its recommendations, which were extremely valuable, should not be carried out. He was glad to hear that the subject of the education of officers would be brought under the attention of the House on a future occasion. He could confirm what had been stated by the hon. and gallant Member for Chatham (Captain Vernon) as to the high degree of education possessed by most of the officers. No subject was more important; and it was the duty of the Government, wherever they had the opportunity, to do all in their power to promote education in the army. The United Service Institution was, as was well known to gentlemen conversant with our military arrangements, a very useful establishment, containing as it did a valuable library and very interesting and instructive models of military works. He thought that all those who felt an interest in the prosperity of that institution must regret that it was subject to very heavy charges, which the Government might well remit. It paid a ground rent of £205 to the Crown, £96 in the shape of taxes, and £130 in the shape of rates; making a total charge of £431 annually. He trusted that the Government would take into their favourable consideration the expediency of diminishing that burden, and by that means increasing the usefulness of the Institution.

Colonel BUCK said, he was anxious to know whether there was to be any change in the Military Academy at Woolwich; and also, whether the establishment at Carshalton was to be done away with? He also wished to say a few words with respect to the establishment at Chatham. He believed that Chatham was one of the most profligate places in England, and yet young officers sent there to complete their military education were left entirely free from control. He understood, too, that the officers, when leaving Chatham, were subject to no examination, and thus one great inducement to a diligent application to their studies was removed. He would further take that opportunity of alluding to the great and unnecessary expenditure which was frequently incurred in messes in the army. He believed that was a matter well deserving the attention of that House, and one in which the well-being of the officers was very considerably involved. He had himself heard young officers complain that they were obliged to drink quantities of wine at their messes, although on other occasions, when left to themselves, they drank water by preference. The result of an extravagant expenditure at messes would necessarily be to exclude all except rich men from the military service.

Mr. W. EWART said, he agreed with the hon. and gallant Member who had just addressed the Committee, that the heavy cost of the messes in the army was a matter which required considerable reform. He wished to know whether any alteration had of late been made in the system of examining officers on their first obtaining their commissions? He approved the Vote for travelling expenses of young officers desirous of visiting the military institutions of other countries, and should be glad to learn how many had availed themselves of the privilege? He also wished to know whether there would be any objection to lay on the table a return of the number of schools and libraries in the army.

Mr. MONSELL said, he had to state, in reply to the hon. and gallant Member opposite (Colonel Buck), that it was not the intention of the Government to place a civilian at the head of the Royal Military Academy at Woolwich, but that they proposed to do away with the establishment at Carshalton as soon as possible. He believed the hon. and gallant Officer must be in error with respect to the control exercised over the young engineering officers at Chatham. He understood that those officers were under the strict superintendence of the heads of the establishment, and from whom they were obliged to receive a certificate of good conduct before they left it.

Mr. FREDERICK PEEL said, in reply to the hon. Member for Dumfries (Mr. Ewart), that he was not aware that any alteration had of late been made in the system of examining officers previously to their obtaining their commissions. There would be no objection to the production of the returns the hon. Member had inquired about.

Sir GEORGE TYLER said, that the United Service Institution was of the greatest importance to young officers, who had an opportunity of attending lectures there and acquiring scientific knowledge. It would be a great advantage to that institution to have some allowance made for the rent and taxes.

Colonel NORTH said, he would also press the same point on the consideration of the Government, for he could bear testimony to the value of the institution.

Lord WILLIAM GRAHAM said, he wished to know whether the Reports of the Inspectors of Military Schools would be laid before Parliament?

Mr. FREDERICK PEEL said, that would be a subject for the future consideration of the Government.

Colonel ADAIR said, with reference to Sandhurst College, that the Sandhurst Committee were of opinion the means of acquiring a qualification for staff appointments were singularly defective, and, as the senior department was actually robbing the junior in the matter of instruction, he thought it might be as well to transfer some of the senior officers to the camp at Aldershot. With regard to regimental messes, there seemed to be a general impression that they were necessarily expensive. That, however, was not the case, and he thought he should be borne out by all officers who had had the management of messes that it greatly depended on the commanding officers what the expenses should be.

Mr. MONTAGU CHAMBERS said, he was anxious to know, in reference to the Royal Military College, how many applications, if any, had been made for the admission of orphans to the institution since the Report of the Committee? He was anxious to be informed whether, on any future vacancy of the office of Governor, the Government was prepared to take into consideration the propriety, if not the necessity, of either abolishing the office or reducing the salary? In the course of the examinations before the Committee it came out that the funds of the institution were not large enough to support the number of orphans who might be introduced into the institution. The number had been much reduced from the amount in former years. Many years ago there were nearly 400 cadets in that establishment, and then a Governor and Lieutenant Governor might have been, perhaps, necessary; but now, when the number of those cadets who were almost entitled to receive education from the country was reduced in consequence of the want of funds, it seemed rather inconsistent to keep up the double office of Governor and Lieutenant Governor when the duties might be discharged by one officer. If the salary of the Governor were reduced from £1,000 to £500, five orphans might be introduced into the institution and supported by the saving; and eight orphans, if the office of Governor were abolished altogether, and £200 added to the salary of the Lieutenant Governor.

MR. FREDERICK PEEL said, that the applications referred to were not made to the War Office, and he was not aware that it was in consideration to make any alteration in reference to the appointment of the Governor.

Motion made—

"That a sum not exceeding £200,000, on account, be granted to Her Majesty, for defraying the charge of the Educational and Scientific Branches, which will come in course of payment from the 1st day of April, 1856, to the 31st day of March, 1857, inclusive."

Question put, and *agreed to.*

(2.) Motion made, and Question proposed—

"That a sum, not exceeding £25,400, be granted to Her Majesty, for defraying the charge of Rewards for Distinguished Services, &c., which will come in course of payment from the 1st day of April, 1856, to the 31st day of March, 1857, inclusive."

MR. LAYARD said, he rose, according to notice, to move "To reduce the Vote by £100, the sum proposed to be granted to Sir Richard Airey, with a view to the postponement of the same until after the result of the Commission of Inquiry be known." Since this pension was voted last year to Sir Richard Airey, circumstances had transpired affecting his professional character while holding the post of Quartermaster General of the army in the Crimea. The Report of the Commissioners sent out by the Government to inquire into the miseries endured by our troops while before Sebastopol attributed the greater part of the army's misfortunes to General Airey's department. He (Mr. Layard) would not say whether Sir Richard Airey was or was not guilty—he would cast no imputation whatever upon that gallant Officer—all he asserted was, that while the inquiry into the allegations of the Crimean Commissioners' Report was still pending, the House of Commons would egregiously stultify itself if it voted a good service pension to an individual whose conduct was called in question by the Report which the Government had laid upon the table, and to examine into the truth of the statements contained in which they had lately appointed a Commission. He had no wish to deprive General Airey of this pension, which was very paltry in amount if really deserved; and therefore he (Mr. Layard) had intended to move that it be postponed until the gallant Officer had had an opportunity of stating his defence to the Commissioners; but, having been informed that that mode of procedure was irregular, no other alternative was left to him but to propose that the Vote be reduced by the sum of £100, on the understanding that when the Estimates, or at least a portion of them, came to be considered, as he presumed would be the case, later in the present Session, the Government would be able, if the inquiry were then concluded, and General Airey's character cleared, to renew their application to the House for the amount of that gallant Officer's pension. In the event of the investigation resulting in the acquittal of Sir Richard Airey, he (Mr. Layard) need scarcely add that he would with great pleasure support the Government in a Motion to restore this item to the present Vote.

COLONEL NORTH said, he had occasion, a few days previously, to direct the attention of the Committee to a speech made by the hon. Member for Aylesbury (Mr. Layard) at Liverpool in the course of last year, in which he attacked the late Lord Raglan, Lord Hardinge, and Lord Westmorland. On the same occasion, the hon. Gentleman is reported to have said that, having been long absent from England, he was not well acquainted with this country, or its mode of conducting public affairs. Anything truer than that observation had never fallen from the lips of the hon. Gentleman. If he had known his country, or the character of his countrymen, he would have been aware that, from the Throne of the Sovereign to the cottage of the peasant, there was no stronger feeling among all classes than the love of justice; that it was customary for the people of this country to regard every man as innocent till he was proved guilty; and that whenever a doubt existed the accused invariably received the benefit of it. The hon. Member, however, now called upon the Committee to do nothing more or less than to prejudge, dishonour, and disgrace as brave a soldier and as good a man as ever breathed. From an acquaintance of many years with his gallant friend, Sir Richard Airey, and from the known intelligence and activity of that distinguished officer, he believed that he would come out of the impending inquiry with undiminished honour. Now, what was the origin of this Report? The Report of the Crimean Commissioners originated in certain rumours affecting the characters of many gallant officers, which reached this country from unofficial and anonymous sources, and induced the Government to order an inquiry to be instituted on the spot. With regard to Sir Richard Airey he would only say that it was not for his services as Quartermaster General only, but for his distinguished services generally, that Her Majesty had been pleased to award him a good-service pension. It was not in the Crimea alone that he had served his country. During the rebellion in Canada, where he commanded the 34th Regiment, and had the supervision of the whole frontier, he acquitted himself with uniform discretion and success, and that under circumstances in which one injudicious movement might have imperilled our friendly relations with the United States. In the East the same gallant officer had charge of a brigade, and, owing to the fact that General Sir George Brown was employed elsewhere, he (General Airey) had repeatedly allotted to him the command of the entire Light Division—a duty which he discharged in the most creditable manner. The hon. Gentleman, however, now called upon the Committee to withdraw the pension Her Majesty had awarded to this meritorious officer; but it was to be hoped that the Committee would decline to do so, and remember that the officers impugned by the Report had been already ill enough treated in being so long deprived of the means of vindicating themselves. Every Englishman, however, must desire that justice should be done towards Sir Richard Airey—a thing impossible if his case were to be thus unfairly prejudged. He trusted that the Government would at once discountenance the Motion of the hon. Gentleman. He could not resume his seat without attempting to say a word on behalf of two other gallant friends of his, whom the hon. Member for Aylesbury had aspersed in the course of the last Session. He alluded to Lord Burghersh and Colonel Hardinge. On that occasion it would be recollected the hon. Gentleman prepared a return so adroitly drawn up as to enable him the better to attack officers of the staff and members of the aristocracy. But the House was not then aware that, owing to the personal intercession of the hon. Member, a relative of his (Mr. Layard's) was placed upon the staff of our army, by the very man (Lord Raglan) who was most harshly handled by the hon. Gentleman. That, however, was a matter of taste, and might perhaps, too, be one of very questionable gratitude. But what he wanted the hon. Gentleman to explain was the uncandid manner in which he mentioned the names of certain officers on the staff in his letter to *The Times.* Not being a military man, the hon. Gentleman must have taken great care in the preparation of his list of the staff. Among other names he included those of "Colonel Strong, Alma and Inkerman; Colonel Wilson, West Indies, Alma and Inkerman," &c.; but when he came to Lord Burghersh, he inserted the fact that that noble Lord was the son of Lord Westmorland, appending to his description the words, "without purchase, staff." The Hon. A. Hardinge was described as "the son of Lord Hardinge," but without any mention being made of his foreign service. If it was necessary to mention the parentage of the officers, or if he only confined it to the sons of Peers, why did not the hon. Gentleman, if he wished to do equal justice in giving the name of Lord Dunkellin, add that that gallant officer was "the son of Lord Clanricarde?" and why did he omit to state that Lord Burghersh and Colonel Hardinge also had both served in India? It so happened that these last two officers had seen more service than all the rest put together. Lord Burghersh was present at the Punjaub campaign and also at Goojerat; he was likewise at the Alma, and only prevented from being at Inkerman by having been despatched on other duty which rendered that impossible. At Chillianwallah the 24th Regiment lost nearly the whole of its officers, and Lord Burghersh, who was then serving in another part of India and belonging to a regiment not included in Lord Gough's army, with a high feeling of honour, immediately relinquished his position on the Governor General's staff, and volunteered to serve with the 24th Regiment, with which he fought at the battle of Goojerat. Colonel Hardinge also served on the Sutlej in 1845 and 1846, and was at Moodkee, Ferozeshah, and Sobraon, where he was the only officer out of ten of Lord Hardinge's staff who was not wounded, and yet he had his horse shot under him. The same gallant officer was present at the battles of the Alma, Balaklava, and Inkerman, and served throughout the whole of the siege of Sebastopol. Under these circumstances, why did the hon. Member for Aylesbury draw up his Report in so invidious, and, he would add, disingenuous a manner, in relation to these two gallant officers. If this was the treatment which the officers of the army generally were to expect at the hands of that hon. Member, the House ought wholly to disregard his present attack upon an old and distinguished officer like Sir Richard Airey.

MR. FREDERICK PEEL said, he must oppose the Amendment of the hon. Member for Aylesbury, and he hoped the Committee would not enter into the merits of the questions at issue or the services of the officers who were concerned. He objected to the Amendment on the ground that the Committee could not adopt it without, in his opinion, prejudging the whole case, without prejudicing the public against the officers who had been referred to, and possibly even prejudicing the Board of General Officers. He thought the hon. Gentleman had not put the question before the Committee quite fairly. The question was not whether the Committee should grant to General Airey the reward to which he was entitled for distinguished services, for in that case it might be proper to postpone the vote while an inquiry was pending; but the fact was, that this annuity was voted last year. It was granted to General Airey for his services as Quartermaster General at Alma and Inkerman, and if the Amendment were adopted, its effect would be to suspend a payment of which General Airey had been in receipt for several months past. He thought it was impossible for the Committee to take such a course at the present moment without prejudging the question. The hon. Member for Aylesbury might with equal propriety have declined to vote the salary of the Quartermaster General; for if General Airey was unfit to receive this reward for distinguished services, he must, in the opinion of the hon. Gentleman, be equally unfit to fill the office of Quartermaster General. He hoped, therefore, that the Committee would negative the proposition of the hon. Gentleman.

Motion made, and Question put—

> "That a sum, not exceeding £25,300 be granted to Her Majesty for defraying the charge of Rewards for Distinguished Services, &c., which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

The Committee *divided :* — Ayes 9, Noes 82: Majority 73.

Original Question put, and *agreed to.*

LORD HOTHAM said, that the Clerk of the Ordnance, on introducing the Estimates, had enumerated several measures adopted with respect to the army during the past year, and which, in the opinion of the right hon. Gentleman, had been beneficial in their operation. He (Lord Hotham) entirely approved the change made with regard to the letting of canteens, a subject constantly pressed on the present Minister for War, when Secretary at War, by the hon. and gallant Member for Wigan, and which would prevent soldiers from being plundered as they had hitherto been. The arrangement for providing recruits with kits at the expense of the Government was one of which nobody at all conversant with the subject could fail to approve. The grant of 6*d.* a day additional pay to the army in the Crimea was a measure of much more doubtful policy and wisdom, however. The right hon. Gentleman had also alluded to the newly established Order of Valour, and on this subject he (Lord Hotham) particularly requested, for a few moments, the attention of the noble Lord at the head of the Government. When the warrant establishing that order appeared, the noble Lord (Viscount Palmerston) was asked if he would produce copies of any instructions which might be issued with reference to it, and the reply of the noble Lord was, that, in his view, the warrant was perfectly plain, and that no instructions were required for its elucidation. He (Lord Hotham) hoped, however, that the noble Lord would reconsider the opinion he then expressed, for unless clear explanations were given as well to what was, as to what was not, to constitute a claim to this distinction, complaints would constantly be made that the distinction was distributed unfairly and partially. He would remind the Committee of the discussions which had lately taken place with regard to the

Order of the Bath, the distribution of which had been carried to so great an extent as to have lost half its value—those who had obtained it complaining of its having been made so general, while those who had not obtained it were disappointed because it had been conferred upon many who were no better entitled to it than themselves. If the new Order were (as the Royal Warrant represented it to be Her Majesty's wish that it should be) highly prized, its distribution would be watched with unusual jealousy, and the Government ought, therefore, to give a clear explanation of the circumstances under which it was to be conferred, in order to avoid complaints and discussions upon the subject, Session after Session, in that House. There were two other points to which he wished to call the attention of the hon. Under Secretary for War. By the regulations of the army, a field officer, becoming a general officer, was not entitled to the full unattached pay of £400 a year unless he had served for six years in that rank; otherwise he was only entitled to the half-pay of his last commission, about £200 a year. But cases had occurred in which this rule was evaded, by giving to general officers not entitled to the full unattached pay, pensions of £100 a year, and then, in consequence of their having these pensions, dealing with them as if they had completed the required period of service. The regulation itself he (Lord Hotham) considered just and proper; but he complained of its violation in the cases of favoured individuals, and the more especially as the effect of such violation was to put an officer not having completed the period of service required, in a better situation than those who had. A short time ago the Commander in Chief or the Secretary for War was empowered to allow a certain number of officers who had served for, he believed, thirty years on full pay, to retire upon full pay, with an additional step in rank. That was a liberal and a very proper provision for officers who had thus deserved well of their country; but a practice had sprung up, by which officers, applying for permission to retire, exacted large sums by way of bonus from their regiments. He thought it would be undesirable to do away with the system of purchase, but he hoped that this practice, which he considered highly reprehensible, and which had worked so prejudicially in the Indian army, would not be imported into England, and he therefore wished to know whether it had the approval of the military authorities?

Mr. FREDERICK PEEL said, with respect to the first question of the noble Lord, the whole of the regulations with regard to the pay of general officers were contained in the warrant of October, 1854, and a general officer must serve for six years with the rank of a field officer before he got the £400 a year. There were but two exceptions to that rule—one was, if the officer received a military governorship, or received the appointment of major general on the staff. If any such instances as the noble Lord alluded to had occurred, it must have been before the warrant of 1854 was issued. With regard to the question whether he was aware that officers, who desired to retire upon full pay, and received permission to do so, were accustomed to stipulate with the officers of lower grades in their regiment for a bonus to retire, he was not aware of the existence of such an arrangement, but he could understand very well that such an arrangement might exist, as it was important for every officer to get a step of promotion without purchase. He had no knowledge whatever of the arrangement referred to having taken place in any one instance; and it certainly would not receive the approbation of the Government. But with regard to putting a stop to any such arrangement, if it existed, that was another question; for there appeared to him to be no way of doing so but by saying that the promotion in all such cases should go into another regiment, and that would not be an advisable measure to pursue.

Lord HOTHAM said, that, of course he should not give either names or dates, but would simply state that the cases which he had before him, when he asked his first question, were not at all touched by the answer he had just received; however, as he understood from the hon. Gentleman that what he complained of could not occur under the new warrant, he would say no more on the subject. With respect to the second question, nothing could be more easy than for the Commander in Chief to issue an order prohibiting this improper practice, and to exact from every officer applying for leave to retire on full pay, a distinct engagement that such order had not been, or would not be, in his case, directly or indirectly violated.

Colonel NORTH said, he wished to call attention to the omission of the name of General Freeth, late Quartermaster General, from the list of recent promotions in the Order of the Bath. That gallant officer had served the country for a long term of years, and the whole army felt that something like a slight had been passed upon him.

Vote *agreed to*, as were the following:—

(3.) £67,000 Pay of General Officers.

(4.) £519,094 Pay of Reduced and Retired Officers.

(5.) £220,420 Pensions to Widows and Allowances on the Compassionate List.

Sir GEORGE TYLER said, that, according to the Royal Warrant of October, 1855, the Friends of officers killed in action within a certain time after receiving their commissions, were to receive the purchase money of those commissions. In the case of an officer killed at the battle of Inkerman, leaving two sisters and a younger brother, an application was made to the Secretary for War for the value of his commission; but the noble Lord replied that, in consequence of there being a younger brother, he was precluded from granting any allowance. That circumstance, he considered, demanded some explanation.

Mr. FREDERICK PEEL said, that it was never intended to return the purchase money of commissions to the friends of officers killed in action, except as a substitute for pensions. It followed, therefore, that persons who were not entitled to pensions had no right to the value of commissions. Such must have been the position of the family referred to by the hon. and gallant Admiral.

Vote *agreed to*, as were also—

(6.) £83,558 Pensions, Gratuities, &c., to Wounded Officers.

(7.) Motion made, and Question proposed—

> "That a sum, not exceeding £32,096, be granted to Her Majesty, for defraying the charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

Mr. VANCE said, it was impossible for any soldier to enter Kilmainham Hospital unless he were fifty-five years of age. The inmates were, he understood, scarcely able to carry on the business of the hospital from extreme old age; and he wished the Under Secretary for War to consider the propriety of relaxing the restrictions, so as to fill up the number. Soldiers, too, were unwilling to surrender their entire pensions, which they had to do on entering Kilmainham. The out-pensioners were anxious to become in-pensioners, if they could get to Dublin; but there was no fund to assist them, and they were therefore left in the provinces. The annual expenses of the hospital were about £6,000, and only 142 persons were maintained in it? but, by a small increase of expense, 200 or 250 in-pensioners might very well be maintained at Kilmainham.

Mr. SPOONER, in moving, by way of amendment, that the Vote be reduced by the sum of £50, the salary of the Roman Catholic Chaplain, said, he objected to this portion of the Vote on conscientious grounds, and did not hesitate to declare that his firm and decided opinion was, that for the State to support the Roman Catholic religion in any way whatever was a national sin. He believed it was wrong for the State to pay for the religious teaching of any nonconformists, its duty being solely to support the National Church; for otherwise it ceases to be the National Church. If they deviated from that principle by paying Roman Catholic priests, upon what ground could they possibly refuse to pay the ministers of any of the denominations: Baptists, Independents, and others? He (Mr. Spooner) appealed to hon. Members belonging to the Church of England especially, and reminded them that by assenting to this Vote they would be paying for a religion whose Ministers were bound to maintain the sacrifices of masses, which are denounced in the Articles of our Church as "blasphemous fables and dangerous deceits," and against which the Clergy of that Church, as well as the Sovereign herself, are solemnly engaged to protest.

Mr. FREDERICK PEEL said, the establishment of Kilmainham Hospital was regulated by Royal Warrant, which provided for the support of a Roman Catholic chaplain there. It was not true, however, that spiritual provision had been made for one particular sect, and that the Roman Catholics; for there was also a Protestant chaplain in the institution, with a salary of £250 a year.

Mr. SPOONER: Was there any other minister paid than the Roman Catholic chaplain and the chaplain belonging to the Established Church?

Mr. FREDERICK PEEL: No.

Mr. SPOONER: Well, that was his argument.

Mr. H. HERBERT said, he should support the Vote, and would entreat the hon. Member (Mr. Spooner) not to divide against it.

MR. CROSSLEY said, that if the hon. Member for North Warwickshire divided against the Vote, he should go into the same lobby with him, though upon totally different motives, namely, the voluntary principle.

COLONEL NORTH said, he would remind the hon. Member (Mr. Spooner) that a large portion of the army consisted of Irish Roman Catholics, and he must express a hope that he would withdraw his amendment. If his hon. Friend divided the Committee, he should certainly vote against him.

MR. BOWYER said, he was really surprised at the objections to the Vote. It was only an act of justice to the Catholic soldiers, who had not been backward in the present war, in their service to their Sovereign. Why should not the Irish Catholic soldiers have the spiritual consolation which was given to the soldiers of the Protestant faith? The hon. Member (Mr. Spooner), as a Protestant, was bound to support the right of private judgment. Ought not the Roman Catholic to have the right of exercising that judgment in attending the service of his own Church? Then, again, the hon. Member should bear in mind the Catholic nature of Ireland. was it right to call the religion of so large a portion of Her Majesty's subjects a national sin? Certainly it was not a course likely to ensure the loyalty of those whose religion was so traduced.

MR. NEWDEGATE said, that the argument put forth in favour of this Vote would, if concurred in by the Committee, be equally good for the establishment and support of the Roman Catholic Church and the payment of the whole priesthood. If it were true that, Ireland being a Roman Catholic country, it was right to act in the case of the whole country as they would act in this particular instance, then they might, with as much propriety, undertake to pay the whole priesthood of Ireland. In the name of Heaven, why did they make this an exception to the ministers of all other denominations? Where was the payment for the Presbyterian minister? They had heard nothing about it. He would ask them whether for a moment they could conceal from themselves the fact that the Church of Rome was of such a character as to render it impossible for them, as the representatives of a free people, to encourage the establishment of that Church in a Protestant country? And if they could not afford, for the sake of the liberties of the people, to establish the Church of Rome, how could they contend for the validity of the Vote now under discussion? Let them look abroad. Let them look to the habits in those countries where the Roman Catholic Church was the established religion. Look at Austria, where, if they could believe the newspapers, an order had been recently issued throughout the whole army for every soldier to confess, and to report that he had done so by the production of the certificate of the priest to the commanding officer, who was himself to make his report to the higher authorities of the country. Was that the kind of system which they wished to establish in this country? If, then, they did not wish to establish that Church, and, knowing its despotic character, why did they put forward one excuse or another in favour of such a Vote as the one in question? If they granted this paltry sum, they should grant assistance to the ministers of all other establishments. He should certainly vote in favour of the Amendment.

MR. BRADY said, he had always understood that the hon. Member for North Warwickshire (Mr. Newdegate) was the strenuous supporter of the Protestant Church, but he had that night become the advocate of dissent, for he asked how could they think of giving this grant to the Catholic priests in Kilmainham while they refused any grant to the clergy of dissenting bodies. The soldiers in Ireland, who were the supporters of this institution, were principally Catholics. He could not, therefore, understand upon what principle of justice or equity they could refuse means for the inculcation of religion and morality to these poor soldiers after they had fought the battles of their country. He confessed he was extremely sorry to see those religious discussions introduced into that House—discussions which took away their attention from the observations of the hon. Member for Dublin, who stated that there were only 142 pensioners supported in Kilmainham Hospital, at the enormous expense of £6,000. He quite agreed with the remarks of the hon. Member that they should endeavour to make the establishment more serviceable than it really was. He trusted that he should live to see the day when that House would set its face against the introduction of religious discussions—whether those discussions referred to Catholic, Protestant, or Presbyterian chaplains. Such polemical discussions were most unseemly in that House, and were calculated to injure materially the character of the people of this country. He hoped, however, that the people of this country were far too enlightened to allow themselves to be led away by the ill-directed eloquence of the hon. Member for North Warwickshire. They were too wise in their generation to entertain such illiberal ideas. The Committee would of course see the justice of this Vote for the benefit of as true and loyal subjects as any in Her Majesty's dominions. He, however, thought that the Government would do well to make this institution more effective than it really was at present.

Mr. OTWAY said, he hoped that the same advantage would be given to officers attending military hospitals as the officers in the navy had in respect to naval hospitals.

Mr. HADFIELD said, he wondered that 5,000,000 Catholics in Ireland could come to that House asking for such paltry grants. If the Amendment of the hon. Gentleman the Member for North Warwickshire (Mr. Spooner) were put, he would vote with him to strike off the £50 for a Roman Catholic chaplain, and he would then move that the £250 for the Protestant chaplain be also struck off. If Catholics must contribute to pay a Protestant chaplain, how could the hon. Gentleman in fairness resist Protestants contributing to pay a Catholic chaplain? He was opposed on principle to both grants, and would so vote. He insisted that it was a great moral wrong to tax the people for the support of a Church to which they did not belong. Those miserable wrangles scandalised religion throughout the land, and they made infidels by wholesale. Let the contest amongst them be one to show which of the religious denominations was most Christianlike and most like their Divine Master, who was reverenced by them all. He should vote as he had stated with the hon. Member for North Warwickshire, but hoped that, to be consistent, that the hon. Member would follow out his principle by also objecting to the Votes for other chaplains.

Mr. STAFFORD said, that the hon. Member for Sheffield (Mr. Hadfield) might consider himself very consistent, but he would remind him that he had already swallowed a camel, and now should not strain so much at a gnat. Looking at the details of this Vote, he saw a charge made for the keeper of the Hypocaust. Now, he would be anxious to ascertain the meaning of this word and what the vote was for. It might be some monstrous heresy, for all he knew.

Motion made, and Question put—

"That a sum, not exceeding £32,046 be grant- to Her Majesty, for defraying the charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

The Committee *divided*:—Ayes 15, Noes 89: Majority 74.

Original Question again proposed—

"That a sum, not exceeding £32,096, be granted to Her Majesty for defraying the charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

Mr. HADFIELD said, he should now move that the Vote be reduced by the sum of £250, paid to the Protestant chaplain at Kilmainham Hospital.

Motion made—

"That a sum, not exceeding £31,846, be granted to Her Majesty, for defraying the charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of payment from the 1st day of April 1856 to the 31st day of March 1857, inclusive."

Question put, and *negatived.*

Original Question put, and *agreed to.*

(8.) £1,168,392 Out-Pensioners, Chelsea Hospital.

(9.) £124,264 Superannuation and Retired Allowances.

Colonel BOLDERO said, this was the largest Vote of the kind ever brought before that House. He found amongst the officers superannuated, forty belonging to the Ordnance Department, and amongst them the name of Mr. Thomas Hastings, who was one of the most efficient servants the Government had. He had served only nine years and a half at a salary of £1,200 a-year, and now he was on the superannuated list with a pension of £400 for his life. He (Col. Boldero) wished to ask how it was that forty officers belonging to the department of the right hon. Gentleman the Clerk of the Ordnance had been placed on the superannuated list?

Mr. MONSELL said, he thought the hon. and gallant Member must have anticipated the answer he would receive, as he knew an alteration in the War Departments had been made which had occasioned great changes, amongst them the supression of many old offices and the creation of many new ones. In those alterations the places referred to had been filled by persons who had spent a large number of years in the service, but upon their retirement many of those offices had not been filled up. In the course of next year, a considerable number of barrack-masters will be suppressed. He would take that opportunity of correcting an error made on a former evening in answering a question put by the hon. and gallant Member for Glamorganshire (Sir G. Tyler). He (Mr. Monsell) thought, from the Return given to him, that the Government purchased the site for a battery at Swansea, but he found that the inhabitants of that place had given the site on which would be erected a small battery.

Sir GEORGE TYLER said, he was obliged to the right hon. Gentleman for the explanation on that point, and he now wished to know why a Vote of last year for erecting defences at Swansea did not appear in the Votes of the present year. He wished to know the intention of the Government on that point?

Mr. MONSELL said, the whole question of harbour defences had been referred to a Committee, presided over by Lord Hardinge, and assisted by Sir John Burgoyne, Major-General Cator, and other eminent military authorities. The Government would consider this subject, which was one of great importance. It was worthy of attention as to whether it ought not to be a *sine quâ non* condition for erecting batteries that the inhabitants should supply sites for them.

Colonel BOLDERO said, he could not help thinking that compulsory measures had been taken to make some of the officers of the Ordnance Department retire from the service. Many of the men were efficient, and ought to remain in the service.

Mr. MONSELL was understood to say that no compulsory steps had been taken to make efficient men retire from the service.

Colonel LINDSAY said, he must complain that the warrant regulations of the army were not properly issued. He wished to know whether there would be any efficient protection to the officers of the army, so that they might be able to procure them?

Mr. MONSELL said, steps would be taken to have the warrants issued properly and cheaply.

Vote *agreed to.*

LOCAL CHARGES ON SHIPPING.

Mr. LOWE said, he had now to propose the Motion on this subject which had been concurred in by the Government and hon. Members opposite.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into and report to this House upon the several matters referred to the Commissioners appointed by Her Majesty to inquire into Local Charges upon Shipping in the Ports of the United Kingdom and of the Islands of Jersey, Guernsey, Alderney, Sark, and Man; and that the Report of the said Commissioners, presented to both Houses of Parliament by command of Her Majesty, be referred to the said Committee."

Mr. VANCE said, he could not allow the present Motion to be agreed to without expressing his regret that the discussion on the Bill of the right hon. Gentleman, the Vice President of the Board of Trade, had not been proceeded with, as he was sure that, had it gone on, it would have been found that the shipping interest received a full equivalent for what was paid in local dues.

Mr. LINDSAY said, that the conduct of the Government with reference to this question appeared to him to be very extraordinary and unbusiness-like. The Royal Commission, appointed in 1853, had sat sixteen months, and presented a voluminous Report to the House. Now he was of those who thought that the Bill of the right hon. Gentleman the Vice President of the Board of Trade, framed as it was on that Report, would have passed, if Government had persevered with it, because, as he believed, it laid down sound principles. If there was any danger to it, it was not on account of its principles, but because of Government not having fully considered it. Indeed, the opposition which it had met with was chiefly founded on legal objections, and neither the Attorney General nor the Solicitor General rose to answer them. He did not think that the Law Officers of the Crown had ever been consulted upon it, and he should like to know if a Cabinet Council had ever considered the Bill. They seemed to have left the whole matter in the hands of the right hon. Gentleman, and then when the measure was opposed, to leave him in the lurch; and now, when they proposed another Motion upon the subject, they actually adopted the words of an Amendment proposed by the Opposition. Their whole conduct in the matter was most unbusiness-like; and the whole question—one, too, of such importance that it was recommended to the House by a Speech from the Crown—had virtually passed from the conduct of Government into the hands of the Opposition.

Mr. FENWICK said, that that part of the Bill which related to passing tolls had met with general acquiescence, and he wished to know if some arrangement could not be made for introducing a Bill during the present Session dealing with that part of the subject alone?

Viscount PALMERSTON said, that no doubt the Committee would be at liberty to consider that part of the subject by itself and to report upon it separately.

Mr. MILNER GIBSON said, that the conduct of the whole matter had been so arranged as to leave the public out of doors under the impression that the House had pronounced an opinion adverse to the principle which the Government propounded in the Bill. Now he contended that the House had expressed no opinion whatever upon it. He thought those who had advised the withdrawal of the measure had not shown so much confidence in its principle as they ought to have done; for he believed that if the right hon. Gentleman the Vice President of the Board of Trade had proceeded with it he would have carried it by a large majority. But he wished to understand in what position it was now, and what was the effect of the new order of reference to the Committee? How was the action of the Select Committee now, under ther terms of reference proposed by the hon. and learned Member for Stamford (Sir F. Thesiger) to be different from that which it would have been under the reference originally proposed by the Vice President of the Board of Trade? As far as he could understand the question, the powers of the Committee would be the same in either case, and if that were so, he could not see why the right hon. Member for Buckinghamshire (Mr. Disraeli) should have come forward, and announced another defeat of the enemy, when nothing had been acceded to but a mere change of words. He thought the scope of the inquiry was to be still the same, and he repudiated the assertion that there had been any defeat of the principle of the Bill. The hon. and learned Member for Stamford had ingeniously brought into the discussion a mention of the sum of £384,000 as having been paid by somebody for the Liverpool town dues. Now for what and by whom was it that that sum had been paid? Why, the City of London—not the Liverpool Corporation—paid that sum to King Charles I. for a thousand manors; and afterwards one of those manors only was purchased by the Molyneux family, which was subsequently sold by them to the Corporation of Liverpool for £700. But the fact was that the town dues were received by the Corporation of Liverpool long before any dealings took place with the Molyneux family. They were the old port duties, no doubt arising from a grant of the port, long before that time, made to the Corporation of Liverpool. He quite agreed that the property of corporations, as well as of individuals, ought to be respected. The Bill, he maintained, contained the principle, not of confiscation, but of restoration. Its object was, since those dues were originally granted by the King to keep in repair the port of Liverpool, and in the course of time had been applied to other purposes, now to restore them to the uses for which they were originally bestowed.

Mr. WALPOLE said, he thought that was a very inconvenient occasion on which to discuss the principle of a great measure. The right hon. Gentleman who had just resumed his seat said, that the principle of the Bill was restoration and not confiscation; but restoration to whom, he would ask? Was the right hon. Gentleman aware that in one corporation it was actually proposed to take away that property which had been granted 400 years ago, not merely for the repairs of the port, but for the general purposes of the town? As had been well pointed out by his hon. and learned Friend the Member for Stamford (Sir F. Thesiger), they could not import into a Bill of that kind the supposed principle of the Municipal Corporation Act, which was in reality a measure of restoration, and not confiscation. Why, even the Government acknowledged that it could not justify the measure upon such a principle, by the number of special provisions which they inserted in it. From that moment the original principle of the Bill was given up, and in place of it was substituted the determination to deal with each individual case upon its respective merits. The right hon. Gentleman (Mr. M. Gibson) likewise accused the Government of undue timidity in withdrawing the Bill. Now, he (Mr. Walpole) preferred to think that in doing so they had but observed the old proverb, that "discretion was the better part of valour." For it was plain enough that not merely was there a strong conviction against the Bill on the Opposition side of the House, but that some of the best friends of the Government felt unable to sanction it. He thought, therefore, that the Government had acted fairly and wisely in allowing the measure to be investigated by a Select Committee. He thought, also, that the Government was right in adopting the course suggested by the Amendment of the hon. and learned Member for Stamford, rather than that of the original Motion, for the latter assumed the whole question in dispute by supposing that the recommendations of the Commissioners were generally accepted, whereas the Amendment proceeded upon the notion that the Committee would have to consider how far those recommendations were justifiable.

Mr. HEADLAM said, he believed that the public out of doors were fully impressed with the opinion that the Bill, as it stood, ought never to receive a second reading, a conclusion in which he begged fully to participate. The opinion of the House was clearly expressed, and Her Majesty's Government were bound in deference to that opinion to withdraw the Bill upon the second night's debate. He thought the Amendment of the hon. and learned Member for Stamford was much to be preferred to the terms of the original reference; for there could be no doubt that, as regarded many of their recommendations, the Commissioners had exceeded their powers, and had simply volunteered a number of suggestions.

Mr. LABOUCHERE said, some observations had been made by the right hon. Member for the University of Cambridge (Mr. Walpole) and by the hon. Gentleman who had last addressed them, which he was unwilling to pass over in silence. They had both said that the House, although not in terms, had expressed its decided opinion against the principle of the measure. Now, if that had been the case, he did not think the Government would have been justified in proposing that a Committee upon the same subject should be appointed at all. That House had neither affirmed nor negatived the principle, as he considered; but the details of the Bill, and the principle of it, were so mingled together that it was impossible to separate them. Now, what would have been the fate of the measure if it had been persisted in, he was not curious to inquire. Whether it would have been carried or successfully resisted, he was certainly not skilled enough in the division lists of that House to offer an opinion. But he was quite ready to state that, in his opinion, there was a degree of opposition in that House offered to the Bill that quite justified the Government in taking the course they had done, so as to enable the House to investigate, not merely the details, but the principles of the Bill, which, as he had said, were so mixed together. And the Government, anxious for the success of that measure, were adopting what he considered the best course for that end, and the course which was most respectful to the House, by asking the House to examine into this question in the only satisfactory manner—by a well constituted Committee. He believed that examination would dispel many illusions and mistakes now prevalent on the subject in the House. The hon. and learned Gentleman who opposed the second reading said, why not separate the measure, and pass that part of it which relates to passing tolls, a question resting on distinct grounds? When the question was examined, it would be found that all the argument which could be urged against the rest of the Bill applied to that part also, and that the abolition of those tolls, without compensation, would quickly affect the ratepayers in the boroughs in the same way as the abolition of any of the others. He only wished to protest against the supposition that the Government, by consenting to the appointment of the Committee, had abandoned the principle of the Bill; they only asked the House to consider the principle and the details it involved. On the other hand, he did not mean to say the House had affirmed the principle; it was neither affirmed nor denied, but by referring it to a Committee they would be able to arrive at a conclusion as to the best mode of dealing with it.

Mr. HORSFALL said, he could assure the House that the statements of the right hon. Member for Manchester (Mr. M. Gibson) would receive a full and satisfactory answer before the Committee. He was surprised to hear the right hon. Gentleman assert there was no difference between the proposal of the Government and that of the hon. and learned Member for Stamford (Sir F. Thesiger). As the Amendment stood the Committee would not be confined to the Report of the Commissioners, but would be entitled to take evidence and enter into the consideration of the whole subject.

Mr. COBDEN said, he was bound in

the name of his constituents to complain of the manner in which the Government had dealt with this question. A measure founded upon the Report of a Royal Commission, which had been sitting for nearly two years, recommended in the Speech from the Throne, and introduced by a Cabinet, had been debated for one evening, and then withdrawn in the middle of the debate. It was true that during the first evening the Members who caught the eye of the Speaker were those who were opposed to the measure. The other side was scarcely touched upon; but that was not because there were no Members who were prepared to defend the measure, but because they thought it good tactics to allow their opponents to exhaust themselves before they replied. The second evening's debate would have completely altered the aspect of the question. What, he should like to know, could justify the conduct of the Government in withdrawing the measure? Not because they were defeated on a division, but because, as it appeared, they thought they were beaten in the debate. To make the matter more unaccountable, scarcely a Member of the Cabinet, and no law officer of the Crown, rose to defend the measure. It was the most extraordinary and unaccountable circumstance which he had witnessed during the whole course of his Parliamentary experience. He would not deny that hon. Gentlemen opposite had a triumph as against the Government; but he did deny that the result of the debate had been to show that the opinion of the House or of the country was, as they had inferred from the conduct of the Government, against the principle of the measure. He could speak for his own constituents; he did not believe there were two opinions in the West Riding of Yorkshire on the subject. They were supporters of the Bill; but were they, therefore, to be characterised as persons who were reckless as to the rights of property, and prepared to undermine its very foundations? Liverpool was the keystone to the arch of this iniquitous system of monopoly, injustice, and spoliation; and the case as between his constituents and the corporation of that town was pretty much the case as it affected the whole country. The cutlers and steel manufacturers of Sheffield were importers by way of Liverpool, and as much might be said of the various merchants and manufacturers in Halifax, Bradford, Leeds, and all the other great towns of Yorkshire. And how was the produce of their industry

Mr. Cobden

dealt with in Liverpool? Whether their wares came into Liverpool as raw material, or passed out of it as manufactured articles, in each case a heavy tax was imposed upon them by the corporation of that town. Was ever anything more unjust, more cruel, more alien to the spirit of modern legislation? Export duties, even for the benefit of the Crown, had been long ago abolished. We no longer taxed for that purpose either the raw material or the manufactured article. The Legislature had set its face against the system years ago; but that which the Legislature would not venture to attempt, the Corporation of Liverpool was to be allowed to do unchallenged; and that, too, after whatever fashion and to whatever extent they pleased. Not only did that august body take upon themselves to tax his constituents, but they applied the taxes to purposes altogether different from those originally contemplated, and totally inconsistent with every principle of common justice. Of the £150,000 levied by this monstrous process of local taxation, not £10,000—not £5,000—was expended on such objects as could alone justify the imposition of such tolls. The money was devoted to such purposes as the widening of the streets of Liverpool. Why should not Liverpool widen its own streets? Sheffield, Bradford, Halifax, and Leeds, did so. On what principle, then, of common sense or common honesty could it be contended that they should not only widen their own streets, but those of Liverpool also? The hon. Member for that town had made no scruple of admitting that the money was spent on such works.

Mr. HORSFALL: I did not say that all the streets were widened, but only those leading to the docks. These had to be widened to facilitate the transit of goods.

Mr. COBDEN: Exactly so; and the people of Sheffield have to widen their streets to accommodate their manufactures and to facilitate the operations of their commerce. Their docks were the best investments that the Corporation of Liverpool possessed, and the works connected with them should be executed at the expense of those who alone derived pecuniary profit from them. It was easy to understand why Liverpool should desire the continuance of the present system, seeing that its streets were widened and its municipal arrangements conducted so effectively at the cost of other people that there had been no necessity to levy a borough rate there, as at Manchester and elsewhere, in accordance with the requirements of the Corporation Act. But the time had arrived when such a preposterous abuse should be swept away. Every large manufacturing town in the midland counties—every farmer who obtained his raw produce by way of Liverpool—was interested in this question. The evil had attained such a magnitude as to be no longer endurable. No sooner did a new commodity, previously unknown to the tariff of the Liverpool Corporation—such, for instance, as guano—suddenly make its appearance, than that body pounced upon it, and insisted that, on every bag of it that might be imported by a gentleman or farmer in Staffordshire or Warwickshire, a tax, say of 6*d*., should be imposed; and they were to be told, forsooth, that gains and practices such as these were as worthy of respect as personal property, and rested on the same foundation. If this was so, all he could say was, that there was no very secure tenure for personal property in this country. But he was not there to advocate the total abolition of those taxes. All he required was, that if they were still to be levied, they should be honestly and rightfully expended, and not grossly misappropriated as at present. If they were laid out for the benefit of commerce, as was contemplated by the project of the Government, he should not have a word to say against them. With such an arrangement his constituents would be perfectly content. They had no fear that if those imposts were in the hands of the Government they would be misapplied; but they had the strongest conviction that, as long as they were under the control of the Liverpool Corporation, they would be subject to flagrant malversation. The only wonder was, that this undefined and irresponsible mode of taxation, not very unlike that which cost an English monarch his life, should find advocates in any assembly of Englishmen, and least of all in that House. In conclusion, he would only observe that, whatever might be thought by the Opposition of the manner in which the question had been dealt with by the Vice President of the Board of Trade, he (Mr. Cobden) was of opinion that that right hon. Gentleman had not argued it in a manner of which he had the least cause to be ashamed; and it was only to be regretted that the Government had not given him a more stedfast support. The right hon. Gentleman had treated the question with signal ability, placing it upon a proper footing, and presenting it in a form which rendered it easy of comprehension to the whole community; and the country would have been true to the Government if it had only been true to itself, which unfortunately it had not.

Mr. LIDDELL said, whatever complaints hon. Members might have to make against the Government, he thought the House had some complaints to make of the manner in which those hon. Members had acted. The right hon. Member for Manchester (Mr. M. Gibson) said he was not fortunate enough to catch the Speaker's eye when the Bill was discussed. He watched the right hon. Member, and never saw him rise on that occasion. He thought the House had adopted a fair course in adopting the Amendment of the hon. and learned Member for Stamford. He trusted the Committee would enter on the subject without any bias, and would give the subject that fair consideration which its importance deserved.

Mr. J. EWART said, the people of Liverpool were only desirous that the Committee should go fairly into the subject, and deal with it in a manner that would do justice to all parties.

Mr. CROSSLEY said, he did not think the fault lay entirely on Government, but the representatives of large towns were to blame in not rising in greater numbers when the subject was debated. He took blame to himself along with the rest. These dues were kept up, not for the purpose of keeping the channel navigable, but to build large halls, and for other municipal purposes. He hoped the Committee would not be asleep, but that they would soon make a report, in order that the matter might be shortly brought forward again.

Mr. KIRK said, the question had been argued as if it were an exclusively English question; but that was not so, because the tolls were levied on Irish produce.

Mr. HADFIELD said, he presented a petition in favour of the Bill, and he thought it most unjust that the hard-working cutlers of Sheffield should be taxed for the erection of St. George's Hall and other public buildings in Liverpool. When the hon. and learned Member for Stamford (Sir F. Thesiger) next had a special retainer, when he next went to St. George's Hall, let him observe the worm at the root—the tax which was levied upon the poor cutlers of Sheffield for its maintenance.

Question put, and *agreed to*.

CAMBRIDGE UNIVERSITY BILL.

Mr. BOUVERIE said, he would now ask leave to bring in a Bill for the improvement of the University and Colleges of Cambridge. He would postpone to a future opportunity a statement of the provisions of the Bill.

Mr. WIGRAM said, he hoped that, if the Government were determined to interpose in the matter, the question would be pursued to a conclusion during the present Session, for the suspense in which it was left was a great evil. Had it not been for the interposition of the Government the University would, in the course of the last seven years, have accomplished all the desired objects.

Leave given.

Bill *ordered* to be brought in by Mr. Bouverie and Visount Palmerston.

Bill read 1°.

WILLS AND ADMINISTRATIONS BILL.

The SOLICITOR GENERAL said, he would beg to move for leave to introduce a Bill to abolish the jurisdiction of the Ecclesiastical Courts in all matters relating to the probate of wills and grant of letters of Administration, to establish a Court of Probate, and otherwise amend the law in relation to the Administration of the estates of deceased persons. It was necessary to postpone the Bill of last year, because a promise had also been given to introduce two other measures for the purpose of dealing with the entire subject relating to the Ecclesiastical Courts. However, in reference to the Church Discipline Bill considerable difficulties arose; but he was now happy to say, that the Lord Chancellor had that night laid upon the table of the House of Lords a Bill for the improvement of Church discipline, and the noble and learned Lord had also brought in, or would shortly bring in, a Bill on the subject of Marriage and Divorce.

Sir JOHN PAKINGTON said, he was glad that the Government had adopted the course which he was favourable to last year, of introducing the three measures together, and he trusted that they would be considered solely with reference to their own merits.

Sir FITZROY KELLY said, he begged to ask whether the hon. and learned Member intended to lay his Bill on the table that night? He also wished to know whether the Bill embraced the deeply important question of matters matrimonial, and whether it was still the intention of the Government, by the Bill in question, to transfer the jurisdiction over all those important subjects to the Court of Chancery?

The SOLICITOR GENERAL in reply said, that it was his intention to bring in the Bill at once. He trusted that it would be in the hands of Members within three or four days. With respect to matters relating to marriage and divorce, they would form no part of the present measure, but, as he had just said, would constitute the subject of a separate and distinct Bill, either already laid on the table of the House of Lords, or shortly to be introduced there. With respect to the transfer of ecclesiastical and testamentary jurisdiction to the Court of Chancery, that was not done by the Bill of last Session, though for the purpose of misrepresentation it was so stated out of doors, and even, occasionally, in that House. The Court proposed to be created was a distinct Court, though armed with the same authority as the superior Courts of Common Law and equity, and would be wholly independent of the Court of Chancery.

Leave given.

Bill *ordered* to be brought in by Mr. Solicitor General, Sir George Grey and Mr. Attorney General.

Bill read 1°.

The House adjourned at a quarter after One o'clock till *Monday*, 31st *March*.

HOUSE OF COMMONS,

Monday, March 31, 1856.

Minutes.] New Members Sworn.—For Rutland, Hon. Gilbert Henry Heathcote; for Sligo, Right Hon. John Wynne.

Public Bills.—1° Reformatory and Industrial Schools.

2° Vaccination; Courts of Common Law (Ireland).

THE TURKISH LOAN—QUESTION.

Mr. OLIVEIRA said, he would beg to ask the Chancellor of the Exchequer whether the Government would sanction (in such cases as may be desired by the holders) a registration of the bonds of the Imperial Ottoman Loan of £5,000,000, 1855, under the joint guarantee of England and France?

The CHANCELLOR of the EXCHEQUER said, the question was one which related to a matter over which Her Majesty's Government had no direct control. It must be settled between the Turkish Government and the Bank of England. He could only say, however, that if an agreement were made between the Government of the Porte and the Bank of England, Her Majesty's Government would entertain no objection to the arrangement. At the same time he thought it right to inform the hon. Gentleman that he would find, on further investigation of the matter, that there were more difficulties in the way of the measure than perhaps he might be aware of.

DRAWBACK ON MALT—QUESTION.

Mr. SPOONER said, he wished to ask the Chancellor of the Exchequer whether, in the event of the additional duty imposed upon malt in 1854 ceasing on the 5th day of July next, the Government would give an assurance that a corresponding drawback will be made on stocks of malt then in hand?

The CHANCELLOR of the EXCHEQUER, in reply, said, that by the present Act the war duties on malt would cease on the 5th of July next, after the exchange of ratifications for a definitive treaty of peace. The practice had hitherto been to allow a drawback upon the existing stock of malt at the time when the duty ceased, and that practice would be followed when the present war duty should have ceased.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee, Mr. Fitz-Roy in the Chair.

(1.) Motion made and Question proposed—

> "That a sum not exceeding £195,141, be granted to Her Majesty, to defray, to the 31st day of March, 1857, the Expense of Maintenance and Repairs of Royal Palaces and Public Buildings."

Mr. W. WILLIAMS said, he wished to draw attention to the great increase in this Vote as compared with former years. He had to complain of the charge for maintaining the Royal parks and pleasure grounds, as being largely in excess of former years, and would instance, in particular, an increase of £18,700 for the Green and Hyde Parks, for which no explanation had been afforded. The charge for Hampton Court Palace this year was £10,792, and since the accession of Queen Victoria £165,000 had been expended on that palace, which was kept up not for the use of Her Majesty, for he doubted if she had ever seen it, but as a refuge for the poor and decayed members of the aristocracy. Since the accession of Her Majesty to the Throne more than £200,000 had been expended upon the repairs of Buckingham Palace, the purchase of land, and the extension of the building. He would be the last man to grudge any expenditure which would promote Her Majesty's comfort, but he thought some explanation should be afforded with reference to the expenditure now proposed.

Sir BENJAMIN HALL said, that his hon. Friend was mistaken in supposing that there was a large increase in the present Votes over the average of previous years. In the first four items, Public Buildings, Buckingham Palace, Parks and Pleasure Grounds, and the new Houses of Parliament, there was, it was true, an apparent increase, of which, as those items fell within the control of his department, he believed he could give his hon. Friend a satisfactory explanation. Under the head of "Public Buildings and Royal Palaces," there was an increase of £40,189 in the present Estimates, as compared with those of last year; but a very small proportion of this expenditure—about £3,000—was connected with Royal palaces partly in the personal occupation of Her Majesty. The larger portion of this Vote was for public buildings and offices, including the War Department, £7,075; the Tower, £2,443; Chelsea Hospital, £2,020; and the distribution of the Crimean medals by Her Majesty in St. James's Park, £1,615. About £18,000 of the amount of this Vote was for works which had not previously been brought into the accounts of his department. Then there was £12,496, which was a mere transfer of expense from one department to another for the purpose of consolidating the Estimates, and was, in fact, no increase at all—and there was an increase of £12,200 for public works in Scotland, which made up the total increase of £40,189. With regard to the Royal parks and palaces, though the present Estimate was in excess of that of last year, it was below the average of previous years. Then, as to Hampton Court, his hon. Friend was wrong in imagining that it was maintained as a refuge for the aristocracy now, whatever it might have been in past times. The appointment to apartments in that palace rested with Her Majesty, and he would state how they had been appropriated last year. On the 4th of May, Mrs. Fox Strangways, the widow of General Fox Strangways, had apartments allotted to her. The next appropriation was on the 19th of June, to Mrs. Cureton, widow of General Cureton; the next on the 9th of July, to Mrs. Boxer, the widow of Admiral Boxer; the next in November, to Mrs. Shadforth, the widow of Colonel Shadforth, and the last, in December, to Lady Torrens. He thought nobody would find fault with the way in which Her Majesty had exercised the right to appoint to apartments in Hampton Court Palace in any of those instances.

Mr. BLACKBURN said, he thought no one could object to the bestowal of such appointments upon the ladies whose names had been mentioned by the right hon. Baronet. Those appointments, however, did not explain the necessity of expending upwards of £5,000 upon the repairs of Hampton Court Palace. There was an increase of £60,000 upon this one Vote over that of last year. Last year the Vote was £135,683, and now it was £195,141, or an increase of nearly 50 per cent. The sum of nearly £12,000 for furnishing the offices of the War Department was excessive. Those items, and the one of £10,000 for the alterations made at Chelsea Hospital, ought to be explained.

Sir BENJAMIN HALL said, that the alterations in connection with Chelsea Hospital had been in contemplation for several years, and included the formation of footpaths and terraces, with the erection of flights of steps and iron railings.

Mr. W. WILLIAMS said, he was not satisfied with the explanation given by the hon. Baronet relative to Hampton Court. He found that a sum of £5,288 was required for the stables and outbuildings connected with that palace. What advantage, he wished to know, would the widows of distinguished officers derive from that expenditure? Again, a sum of £496 was asked for a stud-house and other buildings appropriated to the stud establishment, and another of £873 for farm buildings at Hampton. How could those items contribute to the comfort of the ladies whose names had been mentioned to the Committee? It would have been far better to give the widows an annuity of £200 each, for the purpose of providing themselves with apartments. The country would have saved nearly £10,000 by that arrangement, and the ladies would not have been exposed to the insults which they might have to bear from the poor but haughty members of the aristocracy among whom they were placed at Hampton Court.

Mr. ADDERLEY said, that last year a sum of £1,750 was voted for the formation of a carriage entrance from Buckingham Gardens to Grosvenor Place. That entrance had since been opened, but he ventured to say that it did not cost above £400 or £500. He wished to know what had become of the balance?

Sir HENRY WILLOUGHBY said, he wished to call attention to the circumstance that, last year, a sum of £19,000 was paid out of the revenue of the Woods and Forests for improvements in the park at Windsor Castle, while, in the present Estimates there was an item of £18,000 for the same purposes charged upon the department of Public works. He thought it was desirable that repairs and improvements upon the Royal palaces and parks should be paid out of one fund, and one only.

Sir BENJAMIN HALL said, that, two or three years ago, the office of Public Works was separated from that of Woods and Forests. He knew nothing of the expenditure of the latter department at Windsor Castle, and held himself responsible only for the Vote of £18,000 included in the present Estimates.

Mr. WISE said, that no satisfactory answer had been given to the important question, what became of the balance of sums voted by Parliament for specific objects? Last year a Vote of £3,000 was taken for repairing the statue of Charles I. at Charing Cross. All the money was not spent, and he would like to ascertain how the surplus was disposed of. He begged also to call attention to that portion of the Vote now before the Committee which related to furniture for public departments. During the last six years the House had voted £156,000 for that article alone. For the last two years the Estimates for furniture had been £57,000. Now, he was not one of those who complained of expenditure for the departments, but when he found that upwards of £5,000 had been expended in converting the office occupied by the Copyhold Commission into a War Office, and more than £3,000 in furnishing another house for the Commission, he thought that some endeavour should be made to check lavish and unnecessary expenditure. He likewise must complain of the seemingly extravagant item of £19,000 for lamps, candles, and towels for the public departments.

SIR BENJAMIN HALL said, that the difference between the sum voted for the repair of the statue of Charles I., and the actual cost, was not asked from the Treasury. With respect to furniture for the public departments, the Committee would see that there was a decrease in the expenditure this year of £8,600.

MR. W. WILLIAMS said, he would remind the Committee that upon a former occasion the Secretary of the Treasury stated that when a sum voted for a particular purpose was not required for that purpose, it might be devoted to some other object different from that for which it was originally intended. He did not believe that a single sixpence of the sum voted for the repair of the statue of Charles I. remained in the Exchequer.

MR. WILSON said, he had great pleasure in assuring his hon. Friend that the money not expended on the statue was safe in the Treasury. It was true that he stated upon a former occasion that when a sum was voted for one purpose and not required it might be diverted by the Treasury to another. But there was a limit to that rule, for while money voted for a particular service—for example, the army or navy—might be applied to any branch of that service, it could not be diverted to any object out of the particular service for which it had been voted. With respect to the Civil Service Estimates, every item stood by itself, and, therefore, money voted for one purpose could not be applied to another. The answer to the question relative to the entrance from Buckingham Gardens to Grosvenor Place was a very simple one. A Vote of the House in Committee of Supply was a mere estimate of what the expense might be, and it was the duty of the department, in carrying out the wishes of the House, to make arrangements with tradesmen for performing the work. That done, the department asked for an issue from the Treasury to the amount required, and the difference, if any, between that amount and the sum voted never left the Exchequer.

SIR HENRY WILLOUGHBY said, he would therefore ask how it was, then, that there were three instances in which such transferences as he had alluded to had taken place—namely, of £3,015 in the Buckingham Palace Vote, £40 in the Vote for the statue of Charles I., and £14 in the Vote for the Indian Law Commission?

MR. WILSON was not aware that any such transferences had taken place, but he would inquire into the matter, and would give an answer on a future day.

MR. BLACKBURN said, that a sum had in fact been taken from the Vote made last year for the repair of the statue of Charles I., and applied to Buckingham Palace.

LORD JOHN MANNERS said, he wished to advert to the expenditure which was caused by the transfer of the offices of the Tithe and Enclosure Commission from Whitehall to St. James's Square? Not only was that expenditure large and wholly unnecessary, but the removal of the offices was quite against the wish of the Commissioners, and was inconvenient for the despatch of public business. He wished to know, now that it was arranged that the War Department should be settled in Pall Mall, whether it was intended to transfer the Tithe Commission to Pembroke House?

SIR BENJAMIN HALL said, he must vindicate the original removal of the Tithe and Enclosure Commission from Pembroke House, on the ground that it was necessary to provide accommodation for the War Department in the neighbourhood of Downing Street. It was impossible to give any promise as to the re-transfer of the Commission to Pembroke House, but he thought it probable that that would be done when the arrangements for the accommodation of the War Office in Pall Mall were complete.

LORD JOHN MANNERS said, he thought the War Department might very well have been located in St. James's Square, and thus the necessity of removing the Tithe and Enclosure Commissions would have been obviated.

MR. H. BAILLIE said, he wished to know whether it was intended that the Senate of the London University should continue to occupy Burlington House, or how was it intended that it should be occupied?

MR. WILSON said, that in the last eighteen months a number of plans had been considered for the rebuilding of Burlington House, but none had yet been decided on. With regard to the Senate of the University of London, it had been accommodated there in consequence of the apartments it occupied in Somerset House being required for the public service, and there was a plan proposed by which all the learned societies, which had hitherto been accommodated at Somerset House, should be brought together at Burlington House, the apartments at Somerset House being required for the public service.

LORD WILLIAM GRAHAM said, there was a sum of £1,615 for the expense of cloth in the erections on the occasion of the distribution of the Crimean medals by Her Majesty. He wished to know if that was done by contract, and what became of the cloth, because he remembered after the Duke of Wellington's funeral there was a dispute as to whom the black cloth with which St. Paul's was hung, belonged as a perquisite. He hoped the cloth had not in this case fallen into the hands of an army contractor, as he might make it up into soldiers' coats.

SIR BENJAMIN HALL said, everything on that occasion was hired.

MR. WISE said, there were some items in the Estimates relating to cathedrals in Scotland to which he did not object, such as £80 for keeping up the ruins of Dunfermline, and £40 for Arbroath Abbey, and so on; but he found an item of £1,053 for Glasgow Cathedral, for new ceiling the nave to correspond with that of the choir, also for removing the glass in the great eastern lancet window and substituting a new stained glass window. He thought the Committee ought not to be called on to vote sums for the improvement and decoration of Scotch cathedrals when no such Votes were asked for English cathedrals.

SIR BENJAMIN HALL said, the cathedral in question was the property of the Crown; while in England the cathedrals were the property of the deans and chapters. The repairs in question were absolutely necessary.

MR. GLADSTONE said, he wished to ask a question on the subject of Glasgow Cathedral and the arrangements there. He had been accustomed to hear in that House severe censures uttered upon deans and chapters on account of fees being paid to enable any one to enter a cathedral in England, and he never recollected a Government that did not coincide in those opinions and hold that the entrance into cathedrals should be gratuitous. It happened that in the autumn of 1853, being then himself in office, he was travelling in Scotland, and, paying a visit to this cathedral, he was charged a fee of 6*d*. for himself, and 4*d*. for each person that was with him. He referred the subject to his right hon. Friend the late Sir William Molesworth, who had promised to look into the matter. He hoped that the fees had been done away with.

SIR BENJAMIN HALL said, he did know whether the fees were levied or not.

MR. GLADSTONE: Oh, I can speak to that.

SIR BENJAMIN HALL said, he was going himself to Glasgow shortly, and he would inquire personally into the matter.

LORD JOHN MANNERS said, that that cathedral had been admirably restored. He went to visit it last year at a very early hour, and was received by a very civil gentleman who said the hour was earlier than that at which the public was generally admitted, but he nevertheless admitted him, and as the hour was unusual he of course paid a fee; but he did not know if it was generally charged.

CAPTAIN LEICESTER VERNON said, he must complain of the insufficient accommodation which was provided for the clerks at the War Office.

SIR BENJAMIN HALL said, that the inconvenience arose from the public offices being not more concentrated. As soon as the Estimates were gone through, he intended to move for the appointment of a Committee to take the question into consideration, and before that Committee he should lay a plan for the concentration of the public offices in the neighbourhood of Downing Street.

Motion made

"That a sum, not exceeding £194,575, be granted to Her Majesty, to defray, to the 31st day of March 1857, the Expense of Maintenance and Repairs of Royal Palaces and Public Buildings,"

Question put and *agreed to.*

(2.) £7,868, Buckingham Palace.

MR. BLACKBURN said, that from a Return which he held in his hand, it appeared that in March, 1855, there was a sum of £15,000 in hand, and he wished to know what had become of that money?

SIR BENJAMIN HALL said, that it was true that in March, 1855, there was a sum of £15,000 in hand, but that was more than a year ago, and the money had since been expended upon the purpose for which it had been voted.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding £91,684, be granted to Her Majesty, to defray, to the 31st day of

March, 1857, the expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

Mr. W. EWART said, he desired to call attention to the assent given by the Government to his proposition, that the Louis Quatorze Fountain, at Bushy Park, should be repaired and put into play. He hoped that promise would be kept with the public.

Colonel FRENCH said, he hoped that some fences would be placed around the young trees in the parks to protect them from destruction by cattle browsing their tops.

Sir HENRY WILLOUGHBY said, he considered the Vote a very extravagant one. It showed an increase of £30,000 in two years. The Government were going to spend £10,000 on Hyde Park ; but he thought with the Civil Service Estimates increased from £3,000,000 to £6,500,000 the Government ought to be cautious how they placed an additional burden upon the tax-payers of the country. He should move, therefore, that the Vote be reduced by £5,000.

Whereupon Motion made, and Question proposed—

"That a sum, not exceeding £86,684, be granted to Her Majesty, to defray, to the 31st day of March, 1857, the expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

Sir BENJAMIN HALL said, that some fault had been found with the manner in which the Estimates had been framed, but he thought no fault could be found with the manner in which this particular Vote was brought forward, for every item of expenditure was set forth. He had made some improvements in Hyde Park, by widening the walks and adding some new ones, and he hoped still further to improve it. It should be remembered that labour was very dear in London ; and when Gentlemen saw the new fence put up along Rotten Row and the drive in Hyde Park, they perhaps were not aware that it cost from 12*s.* to 18*s.* a yard, as the fencing which was required there must be of great strength. The sum to be expended on Rotten Row, for widening it, making the road and fencing it, was about £2,500, and no Gentleman who was in the habit of going to Hyde Park would, he was certain, object to it. Besides that, he was pledged to make a foot pavement along the Birdcage Walk, which would cost no less than £1,600 ; then there was to be a new pavement from Apsley House to Knightsbridge, the cost of which would be £500 or £600. All those were useful and substantial improvements, which he hoped it would not be necessary to do over again at any future time.

Mr. BONHAM-CARTER said, he wished to call attention to the following passage in Sir William Hooker's Report upon Kew Gardens :—

"I wish I could say, that what were once the pride of these gardens—I mean the numerous conifers, and the trees and shrubs from Australia, New Zealand, South Africa, Temperate Mexico, &c., which demand space (especially height) and green-house protection, were better provided for. Many of them are suffering beyond recovery for want of suitable winter shelter. The great need for other buildings to accommodate our increasing palms and other field plants of tropical countries has been the cause of deferring the erection of a green-house adopted for conifers, but I cannot on the present occasion urge too strongly on you, as First Commissioner (what, indeed, you must yourself see), the imperative necessity for such a structure, if the remnant of these splendid specimens is to be saved."

He trusted the right hon. Gentleman would take some means to prevent the destruction of these specimens, in accordance with the suggestion of Sir William Hooker.

Sir BENJAMIN HALL replied that the construction of this green-house had been pressed strongly upon him, but he had felt that, owing to the large expenditure under the Vote now being discussed, the money could not be asked for before next year.

Mr. BLACKBURN said, it was very well to keep the London Parks in good order, but it was not fair to the rest of the country that there should be such a lavish expenditure upon them. There was an increase of £22,140 as compared with the expenditure under this head last year, and he certainly felt inclined to move that the Vote be reduced by that amount.

Lord JOHN MANNERS said, that all the inhabitants of London thinking they had a personal interest in the parks, it was natural for those of them who had access to the Chief Commissioner of Works to make suggestions for the improvement of them, and such plans were likewise frequently advocated in the newspapers, by which means a pressure was brought to bear upon the department, which occasioned the expenditure of such large sums for alterations and improvements of the metropolitan parks.

Mr. BOWYER said, the pavement of

the path from Apsley House to Knightsbridge might be an improvement, but no one could say it was necessary. This was a period of time at which the Government should avoid every expense that was not absolutely necessary.

Mr. SPOONER said, that the remarks of his noble Friend (Lord J. Manners) made it absolutely necessary that the House should impose some restriction on the expenditure on account of these Royal parks and pleasure gardens, for his noble Friend had said that the pressure from without was so great that it was almost impossible for the Government to resist it. It was fitting, therefore, that the House should interpose and put an end to this external pressure. Let those who more particularly enjoyed the advantages of the parks pay for the expense of the alterations required for their convenience. By the system now pursued, they were taxing the whole community for the benefit of a few. He wished to ask whether the paving of the footpath from Hyde Park Corner towards Knightsbridge meant the footpath within the park or outside of the park? If outside the park, it ought to have been paved by the parish.

Sir BENJAMIN HALL said, that a portion of the pathway belonged to the Government, and that the parishioners had called upon him to pave it, they being ready to repair that part of it which was within the parish.

Mr. BOWYER said, he should move that the Vote be reduced by the sum of £22,140, being the amount of the increase of the Vote this year as compared with the Vote for 1855.

Mr. SPOONER said, he observed a charge of £1,454 for filling up the basin in the Green Park, opposite Devonshire House, and improving the adjacent ground. This appeared to have been done by an Order of the Treasury, without the sanction of Parliament.

Sir BENJAMIN HALL said, by the Act of 1852, it was enacted that there should be no reservoir within a certain distance of Buckingham Palace, it was therefore necessary that something should be done with respect to the reservoir in the Green Park. On his coming into office, he made arrangements with the Chelsea Water Company to obtain possession of the basin on the part of the Crown. Complaints having been made of the existence of that reservoir, and a strong desire expressed that it should be filled up, he obtained the assent of the Lords of the Treasury to incur the necessary expense for that purpose. The basin had been emptied, and it was intended to restore the locality to the state in which it was in the year 1726, when the Chelsea Water Company first obtained possession of it.

Mr. HARCOURT VERNON said, that in his opinion, the right hon. Baronet was carrying the wide footpaths to a very unnecessary extent.

Mr. BARROW said, with reference to the paving of the footpath from Hyde Park Corner to Knightsbridge, he did not think it a good reason why the country should be put to that expense, merely because the inhabitants of Knightsbridge preferred walking on a flag pavement rather than on a gravel walk. He did not object to improvements which were for the benefit of the whole of the metropolis, but he could not understand upon what principle it was that the public should be charged for works intended only for the advantage of a particular locality.

Sir BENJAMIN HALL: Does the hon. Member wish the inhabitants of Knightsbridge to take legal proceedings to compel the Government to do that which they are bound to do?

Mr. BARROW: I should like to ask the right hon. Baronet by what process of law the inhabitants of Knightsbridge could compel him to lay down a flag pavement where no flag pavement had previously existed?

Mr. W. WILLIAMS said, he quite agreed with the hon. Member for North Warwickshire (Mr. Spooner) that the pressure upon the right hon. Baronet was almost irresistible, and, unless the Government were backed up by the House of Commons, there would be no end to these extravagant Estimates. They were called upon to Vote large sums without any explanation whatever. He wished particularly to ask why the cost of Windsor Park was not included in these Estimates? For instance, the public were called upon to provide winter quarters for the deer, food for the birds, and powder and shot for the keepers, and even for fishing tackle. These were items which demanded inspection.

Mr. LLOYD DAVIES said, he should like to know what legal obligation existed with respect to the pavement to which allusion had been made. He should be unwilling to Vote for a reduction of the grant if the Government were compelled by law to provide such a footway.

SIR BENJAMIN HALL said, he did not believe that any party but the Government could be called upon to make the footway. It was not under the Metropolitan Commission, but under the Office of Works, and they were bound to keep it in order.

SIR JOHN PAKINGTON said, there was a sum of £1,600 for paving the Birdcage Walk, which was now partly paved and partly gravelled. As far as his own observation extended, he thought persons preferred walking on gravel to pavement, and he could not understand on what principle they spent money to compel the public to walk upon pavement. He should vote against that item. He did not think the right hon. Baronet had given a satisfactory explanation as to the footpath at Knightsbridge. He considered, however, that what he had done in Hyde Park he had done with good judgment and the best taste, and that the money he had laid out had been well expended. He thought he had also acted right in filling up the unsightly reservoir in the Green Park.

MR. WALPOLE said, he considered that the right hon. Gentleman had not given any satisfactory explanation of the Knightsbridge paving affair, nor did he quite approve of the expenditure of £1,600 for paving Birdcage Walk. He approved of the filling up of the reservoir in the Green Park, and he should be glad to know what were the exact items which were objected to.

MR. DRUMMOND said, if it was necessary for that House to endeavour to protect the Government from pressure from without, it was not less necessary to protect a metropolitan Member from pressure of that description. If the right hon. Baronet had only exhibited at the reservoir a board, bearing the words, "Rubbish may be shot here," the expense of filling up the basin would have been saved.

SIR JOHN SHELLEY said, he believed that flag pavements were more economical than pavements of any other description, a proof of which might be seen in the fact that flags were almost invariably used by parish authorities.

Motion made, and Question put—

"That a sum, not exceeding £69,544, be granted to Her Majesty, to defray, to the 31st day of March 1857, the expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

The Committee *divided*:—Ayes 35, Noes 119: Majority 84.

Original Question and Amendment again proposed.

COLONEL FRENCH said, he should now move that the Chairman report progress, and ask leave to sit again. His object in doing so was to give Her Majesty's Ministers an opportunity of stating to the House whether or no peace had been concluded. It certainly was without precedent that the war should be concluded without Her Majesty's Government condescending to inform the House of the fact. It was true that the noble Lord at the head of the Government had entered the House after the House had gone into Committee of Supply, but if the noble Lord did not think it worth his while to make the announcement of the treaty of peace after the House had gone into Committee of Supply, it would only have been decent and respectful to the House if his colleagues had waited a few minutes until the noble Lord arrived. He might be told that the signing of the treaty of peace had been announced by the firing of guns, but the House would remember that the same guns had fired for Sebastopol, when, in fact, it had not been taken. A communication was made to the House when the war was commenced, and the Government were, he thought, bound to make a similar communication to the House if peace were concluded.

VISCOUNT PALMERSTON: Sir, I was in the House not three minutes after the half-hour, which is usually the time for Notices of Motion being given and questions being put. There were Notices of Motion previous to going into Committee of Supply, and there were also notices of questions, and I was as much surprised as other Members could be to find the House in Committee of Supply at so unusually early an hour. If I had come down to the House three minutes sooner I should have made a statement which I am quite prepared now to make. It is a very short one, and will convey no information whatever to the hon. Member beyond that which he already possesses. If it be any satisfaction, however, to my hon. Friend to be informed officially of that which he already knows individually, I shall have very great pleasure in gratifying him. The House is perfectly aware from the *Gazette* that yesterday, at two o'clock, a treaty of peace was signed at Paris. The House will have seen by the announcement in the *Gazette* that it was determined by the Congress that the particular conditions of the treaty should not be made public until the ratifications had been exchanged. And that, indeed, is the usual course, for it is a mark of obvious deference to the Powers who are parties to the treaty. At the same time, without going into any details of the conditions, the main substance of which is already known to all the world, because it has been embodied in protocols and published in every country in Europe, I may say at least that my conviction is, that that treaty of peace will be deemed satisfactory by this country and by Europe. Sir, it will be found that the objects for which the war was undertaken have been fully accomplished. It will be found that by the stipulations of that treaty the integrity and independence of the Turkish Empire will be secured, as far as human arrangements can effect that purpose. It will be found that that treaty is honourable to all the Powers who are contracting parties to it, and I trust that, while, on the one hand, it has put an end to a war which every friend to humanity must naturally have wished to see concluded, on the other hand it will lay the foundation of a peace which I trust, so far at least as regards the circumstances out of which the war began, will be lasting and enduring. Sir, during the negotiations which have led to this peace I am happy to say that the same cordiality which has prevailed among the allies in carrying on the war has also mainly contributed to the conclusion of peace, and that we shall leave off at the conclusion of this war in a stricter and closer alliance with them—and in a more extended alliance—than existed during the continuance of the war; and that, therefore, the future permanence not only of a good understanding but of an intimate connection between the great Powers of Europe will have been cemented and strengthened by the communications that have taken place during the negotiations. Sir, I have nothing more to say except this, that it must be gratifying to the country to know that nothing could exceed the ability with which the British negotiators have performed their arduous and difficult task during the negotiations, and that Lord Clarendon and Lord Cowley have not only maintained the honour, dignity, and interests of the country they represented, but by their conciliatory conduct have secured for themselves and their country the respect, esteem, and goodwill of those with whom they had to do. The ratifications are to be exchanged as soon as they can be received at Constantinople and St. Petersburg. The limitation of time has been four weeks, but I should hope that at least within three weeks the ratifications will be exchanged at Paris.

Motion, by leave, *withdrawn.*

Colonel DUNNE said, he very much objected to the public money being altogether withdrawn from Ireland and spent in embellishing the metropolis.

Question put—

> "That a sum, not exceeding £86,684, be granted to Her Majesty, to defray, to the 31st day of March 1857, the expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c. and other Charges connected therewith."

The Committee *divided:*—Ayes 28, Noes 97: Majority 69.

Original Question again proposed.

Mr. BOWYER said, he should move another Amendment, to reduce the Vote by £2,175, the sum required for paving the footpath of Birdcage Walk and the footpath between Hyde Park Corner and Knightsbridge.

Mr. MONTAGU CHAMBERS said, he had observed with great satisfaction the numerous improvements which had taken place in the parks, but many of those improvements, he regretted, could not be enjoyed by the multitude, and he therefore hoped that the Committee would not refuse to sanction this Vote, as it was intended for the benefit of the multitude. He wished, however, to know why the Crown, instead of the parish, was called upon to keep in repair the footpath between Hyde Park Corner and Knightsbridge, and also whether the existing pavement in Birdcage Walk was to be widened, or a new one was to be made?

Sir BENJAMIN HALL said, that Lord Carlisle had put down the small pavement now existing between Great George Street and Buckingham Gate, and it was now proposed to widen that pavement. The pavement between Hyde Park Corner and Knightsbridge had always been under the control of the Government, and they were called upon year by year to repair it.

Mr. BARROW said, he thought that the right hon. Baronet had not given a satisfactory explanation of the liability of the Crown to repair the footpath to Knightsbridge. He denied that the widening of the gravel walks and the erection of iron railings in the parks would be an accommodation to the million. They would prefer walking on grass to walking on gravel.

MR. BIGGS said, that he, for one, had the same feeling with respect to the metropolis of Great Britain as a Frenchman had with respect to Paris, and should like to see it made the finest looking city in the world. He therefore had no objection to spend money for its adornment, and especially for such improvements as would be subsidiary to the health of the inhabitants.

Motion made, and Question put—

> "That a sum, not exceeding £89,509, be granted to Her Majesty, to defray, to the 31st day of March 1857, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

The Committee *divided:*—Ayes 19, Noes 83: Majority 64.

Original Question again proposed.

MR. BLACKBURN said, he should now propose to reduce the Vote by the sum of £2,570, which was required for making a new road through Holyrood Park to Duddingstone. It might seem strange for him to object to a Vote of money for Scotland; but though he did not think the whole sum assigned to Scotland too much, yet he thought the proposed road not wanted at all, he was fearful it might spoil a portion of the park. At all events, if the Government insisted on spending this sum on a new road, a plan of the road ought, in the first instance, to be laid before the House.

SIR RICHARD BULKELEY said, that, as they were voting large sums for beautifying the metropolis and altering the Parks for the convenience of the public, he should like to know what objection there could be to the pulling down of St. James's Palace? The question of affording to the public a convenient carriage-road to Belgravia had engrossed a great deal of the time of the right hon. Baronet (Sir B. Hall), and had occasioned much public discussion, and the pulling down of St. James's Palace would be the means of providing the desired thoroughfare, would enable a beautiful approach to the Park to be made from St. James's Street, and would leave at the right hon. Baronet's disposal a vast space for the erection of public buildings more in accordance with the present style and taste. Historically there was nothing of interest in the Palace, and as a building it was most hideous.

MR. H. BAILLIE said, he believed this Vote was a complete job, the object of which was to improve certain private property which at present did not possess any outlet. He was informed that the people of Edinburgh did not wish the road to be made, and that it could only be made by blasting through a portion of Arthur's Seat.

SIR BENJAMIN HALL said that, from what he could learn from the communications which he had had with the Lord Provost of Edinburgh on the subject, there was a strong feeling in Edinburgh in favour of the making of this road, and he believed it would be a great improvement to the city.

MR. E. LOCKHART said, the right hon. Gentleman who spoke last had not explained where the road was to go to. If it was to be carried between the loch and the rocks it would be a great disfigurement to the Park.

SIR BENJAMIN HALL said, he must beg to explain that the proposed road was to connect Edinburgh with the village of Duddingstone, and that the Lord Provost and Town Council, and other authorities of the city, had expressed themselves strongly in favour of it. The Government, however, would not advance any money until the locality had provided the sum which would be required to complete the road.

MR. VANSITTART said, he would recommend the Committee not to Vote the money upon any understanding with other parties, as they all knew how idle it was to recall the money when once it was voted. It struck him as somewhat strange that no hon. Member was present to say a single word in favour of the Vote.

SIR WILLIAM JOLLIFFE said, that, in his opinion, the Chief Commissioner of Public Works had given no substantial reasons to establish a ground for the proposed outlay. He thought the right hon. Gentleman ought to have sent a Government official to report upon the nature of the work, and unless he could show that something of the kind had been done, he (Sir W. Jolliffe) would withhold his consent to the Vote.

SIR BENJAMIN HALL said, that had already been done. The proposition, when first made by the Lord Provost and town-council, was referred to the office of the Board of Works in Scotland, and their report to the department on the subject might be seen by any one who desired it.

MR. STIRLING said, he wished to inquire whether it was true that the Commissioners of Public Works were only going to make a part of the road?

SIR BENJAMIN HALL said, the arrangement was that the road would be made, so far as the property of the Crown was concerned, with the money now asked for, but that no expenditure would be commenced by the Board of Works until they saw that sufficient money was provided by the persons interested to complete the remainder of the road outside the Crown property.

MR. H. BAILLIE said, he wished to inquire who were the parties who were to provide the other part of the funds to complete the communication?

SIR BENJAMIN HALL replied, that he had written to the Lord Provost of Edinburgh to say that the Government would make their part of the road through Holyrood Park when the other parties had made theirs.

MR. BARROW said, he thought it was quite time enough to ask for a Vote when the other parties had performed their part of the agreement.

MR. MACARTNEY said, he would suggest that it would be better to postpone the consideration of the Vote until plans and estimates were laid upon the table of the House showing the nature of the proposed work.

MR. DISRAELI said, he would point out to the Committee the inconvenience of discussing this item in the absence of the Members for Edinburgh, who could answer for the feeling of that city on the subject and explain the facts of the case.

SIR BENJAMIN HALL said, he would postpone the item.

Motion made—

> "That a sum, not exceeding £89,114, be granted to Her Majesty, to defray, to the 31st day of March, 1857, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

Question put, and *agreed to.*

(4.) £99,383. New Houses of Parliament.

MR. SPOONER said, he wished to know why one of the courtyards had been already repaved?

SIR BENJAMIN HALL said, that this court was originally paved, as an experiment, with some preparation of indiarubber. The experiment had not been successful, and for the indiarubber a wooden pavement had therefore been substituted. It was not at the suggestion of Sir Charles Barry that this experiment was tried.

SIR HENRY WILLOUGHBY said, he wished to be informed what sum would suffice for the completion of the Houses of Parliament, and what was the present position of the question as to the commission to be paid to Sir Charles Barry, the architect?

SIR BENJAMIN HALL said that, in a Report dated the 9th of January, 1855, and laid on the table of the House by his predecessor in office, Sir William Molesworth, it was stated that a sum of £280,272 would be required for the purpose of completing the Houses of Parliament. Since then a sum of money had been taken on account of that amount, and it was now proposed to take a further sum of £52,540. Upon inquiring of Sir Charles Barry, he had been informed that the sum set down in the Report of the 9th of January, 1855, would be sufficient for the completion of the works.

MR. H. BAILLIE said, he would beg to ask whether this Estimate was confined to the cost of the works now in progress, or whether it would also cover the expense of carrying out the additional plans laid upon the table by Sir William Molesworth, which included the removal of the Courts of Law? As a site for the new Courts, he would recommend to the consideration of the right hon. Baronet (Sir B. Hall) the ground occupied by Covent Garden Theatre.

SIR BENJAMIN HALL replied, that the sum of £280,272 was only for the completion of the works now in progress. Sir William Molesworth had laid upon the table some further plans, which had been suggested to him by Sir Charles Barry; but he (Sir B. Hall) would not sanction, or recommend the Government to sanction, any new plans until those which were in hand had been carried out. The sum required for the execution of the works proposed in the additional plans would be from £500,000 to £800,000.

MR. W. WILLIAMS said, he desired to call attention to the item of £5,269 "for casual internal repairs to those parts of the building delivered over to the Department of Works and Buildings, and for the repair of official houses and miscellaneous charges." Considering how recently these buildings had been erected this amount, he thought, was very large. When the whole palace was completed the cost of repairs would be prodigious. Surely the necessity for all those repairs must arise from some defect of construction.

MR. J. WILSON said, in reply to the

question of the hon. Member for Evesham (Sir H. Willoughby) as to the architect's commission, he begged to state that when it was estimated that the whole cost of erecting the Houses of Parliament would be about £700,000, Lord Besborough, then First Commissioner of Works, made an arrangement with Sir Charles Barry to perform all the duties of the architect for a sum of £25,000. In the course of time it became apparent that, instead of £700,000, the houses would cost about three times that sum. Sir Charles Barry meanwhile received payments on account. When the Treasury came to settle the rate at which he was to be paid, they looked to the principle on which Lord Besborough had originally fixed his remuneration, and, seeing that the sum agreed to be paid to the architect was at the rate of about 3 per cent on the outlay, they offered to pay Sir Charles Barry at that rate upon the whole cost of the buildings. That offer Sir Charles Barry had refused, and still refused to accept. There was also a question as to the measurement of the work. Sir Charles Barry had, partially with the officers of the Board of Works, performed a great portion of the measurement in a manner very unsatisfactory to the Board of Works and to the Treasury. Finding that a professional measurer would not have charged more than three quarters per cent on the outlay for the performance of this duty, he (Mr. Wilson) proposed to Sir Charles Barry to pay him, in consideration of his personal trouble, at the rate of 1 per cent. Up to the close of the year 1852 there had been paid to Sir Charles Barry a sum of £44,000, to which there must be added £15,000 for measurement, making a total of £59,000. There had been a great deal of negotiation and discussion upon this subject between Sir Charles Barry and the Treasury. His noble Friend at the head of the Government (Viscount Palmerston) had given his attention to the claims of Sir Charles Barry, and was satisfied that the proposal which had been made by the Treasury was a reasonable, and, indeed, liberal one; and under those circumstances the Lords of the Treasury had come to the decision, embodied in a Minute which had been laid upon the table of the House, that no further sums on account should be paid to Sir Charles Barry until he accepted this as a definite arrangement. Whether or not he would so accept it he (Mr. Wilson) of course could not say.

Mr. LLOYD DAVIES said, he wished to be informed how much of the sum of £280,272, referred to in the Report of the 9th of January, 1855, remained to be voted?

Sir BENJAMIN HALL said, that he believed that sum included £107,175 which had been voted before the Report was presented. It was now proposed to take £52,540. The sum remaining unvoted would be the difference between the total of these two items and the sum of £280,272.

Mr. DRUMMOND said, no one who knew anything about building would deny that the universal custom was to remunerate architects by a percentage—usually 5 per cent—upon the money expended. The Government of the day started upon the supposition that the new Houses of Parliament would cost £700,000, but if ever they really entertained a belief that the work could be done for such a sum, they were profoundly ignorant of everything relating to building. Finding themselves in a scrape—finding that the £700,000 would not cover a third of the cost—they turned round and tried to cheat Sir Charles Barry. It was a positive fraud upon Sir Charles Barry to deal with him as had been proposed. There had been a most lavish and profuse expenditure, no doubt, but that did not matter—it would be an act of positive dishonesty towards Sir Charles Barry if they did not give him his 5 per cent. He had known other cases where architects had been mistaken in their estimates, and where they had voluntarily come forward and offered to forego their percentage upon the additional outlay; but that was not the case here, and it was most improper, when two parties disputed, for one of them to say that he would give so much, and if the other would not take that, he should have nothing.

Mr. J. WILSON said, he must deny that the Government had ever entertained any such intention. They desired to act most fairly by Sir Charles Barry, and had proposed to allow him exactly the same commission, in proportion to the increased expenditure that Lord Besborough had agreed to pay him on the smaller amount. It was a mistake to suppose that 5 per cent on the outlay was the usual rate of remuneration to architects for national edifices. The architects of all the great public buildings erected during the last half-century had been paid at the rate only of 3 per cent.

Mr. W. WILLIAMS said, he thought that the proposition made to Sir Charles Barry was a most generous one, and that that gentleman would do well to close with it at once.

Mr. SPOONER said, he also was of the same opinion. The offer made by the Treasury was large and liberal, and it was to be hoped that they would stand manfully by it.

Mr. MALINS said, that Sir Charles Barry was placed in this position; he could not sue the Government, but he had offered to refer his claims to arbitration, and he (Mr. Malins) put it to the Committee whether it would not be better to adopt that course than be continually reverting to these disputes. In the matter of Sir Charles Barry's claims for building the Reform Club, the question was referred to the arbitrement of a gentleman at the bar, and having been his counsel on that occasion, he happened to know that the whole dispute was settled in one morning sitting before Judge (then Mr.) Erle. Now, why could not the same course be taken in the present case?

Mr. DRUMMOND said, the commission of 5 per cent was so universally recognised in the profession, that he believed any member of the Society of Architects would be expelled if he were discovered accepting less. The hon. Gentleman the Secretary of the Treasury had let out a very important admission, for he said that the architects of public buildings did not charge 5 per cent. That was the reason why they had buildings the cost of which so very far exceeded the estimates. He contended that Sir Charles Barry was fully entitled to his 5 per cent. If the Government had quarrelled with him on another ground, let them meet him on that ground.

Mr. W. WILLIAMS said, the Reform Club having been referred to, he could inform the Committee that there was precisely the same difficulty there as had arisen in this case. Sir Charles Barry had put in a plan in competition with a great number of other architects; his plan was accepted, and an agreement was made that he was to receive a certain sum for carrying it out. But before a single step was taken in the building, Sir Charles Barry suggested alterations; those alterations were to a certain extent adopted; and, consequently, the contract was broken. He then went upon his right of commission. They also employed him to give his opinion about the furniture; and he did not do himself much credit by the selection of furniture, which came to a large amount. The Reform Club proposed to refer the matter in dispute; and they proposed the usual course, that they should name one arbitrator and Sir Charles Barry the other, and that if they differed an umpire should be called in. Sir Charles Barry would not agree to that proposal. Then they proposed to name three persons, from whom he should choose one. But he refused to refer to anybody but a barrister—a very respectable man, certainly—chosen by himself; and so it was settled. Sir Charles Barry had his own way in every respect, for they did not wish to go to law with him, and he therefore got all he asked.

Mr. LLOYD DAVIES said, that the case of the Reform Club could not, in his opinion, be put in comparison with that of the Houses of Parliament. What would be a fair remuneration at the rate of 5 per cent, upon an expenditure of £80,000, would be an extravagant charge upon an expenditure of £2,000,000 or £3,000,000. The commission upon the expenditure incurred for the Houses of Parliament, at the rate of 5 per cent, would, he believed, amount to about £150,000. He hoped the Government would not refer this question, but would stand upon the high ground of justice.

Mr. WILSON said, he was ready to admit that Sir Charles Barry had repeatedly urged the Government to refer the dispute to arbitration, but he (Mr. Wilson) thought that, if it would be objectionable for the Executive Government to submit themselves to a trial at law, it would be still more objectionable to submit themselves to the decision of a professional man. The Government felt that the proposal they had made to Sir Charles Barry was fair, and even liberal. They knew that if they attempted to act unfairly that House would not tolerate such conduct, and it was the tribunal to which Sir Charles Barry could legitimately and safely appeal.

Mr. MALINS said, he must still maintain that Sir Charles Barry was unfairly treated. The Government would bring all their influence in that House to overpower him. It was most unfair to say, "Take that, or we will give you nothing." He did not think the noble Lord at the head of the Government would consent to deal with the question in that way. If they could not trust a lawyer, surely some man of intelligence might be found to settle the dispute. Was not all such questions settled in that way? What had they done even with regard to the terms of peace? He did not believe that Sir Charles Barry would refuse to go to arbitration. The question involved his income for twenty years, during which time he had been deprived of other professional employment. The dispute as to the Reform Club had been decided, as he had previously stated, by Mr. (now Justice) Erle. Both parties appeared before him by their counsel and solicitors, and the matter was fully gone into. Why should not the same course be pursued in this case? He hoped there would be no more discussion on the matter in that House.

MR. SPOONER said, he wished for some explanation of an item for continuation of the embankment.

SIR BENJAMIN HALL said, it was the continuation towards Westminster Bridge, and had been included in former Estimates.

MR. MONTAGU CHAMBERS said, he considered the question one of national importance. Plans were invited from various architects, it being understood that a certain amount should not be exceeded. Sir Charles Barry's plan attracted great attention, and was adopted by Government, though no one believed it could be carried out for the amount stated. The result was most deceiving, and almost heart-breaking to many men of talent who had been induced to send in plans. It constantly happened that architects, after sending in plans for private residences, introduced a number of extras, whereby the cost was perhaps doubled. He did not agree in the statement of the hon. Member for West Surrey (Mr. Drummond), that the regular charge of an architect was 5 per cent, for those charges were constantly the subject of litigation. It might be a rule of the institute of architects that such should be the charge; but an architect had no right to engage that a building should only cost so much. If he made such an undertaking, and the estimate was far exceeded, an abatement of the charge ought to take place. Sir Charles Barry would do extremely well to reconsider the offer of the Government, and let the matter be amicably arranged. A report had been circulated that additional expense would have to be incurred in getting the clock into the clock tower. It was like Farmer Flamborough's picture, which was painted too large for his room.

SIR BENJAMIN HALL said, the clock was already finished, was going remarkably well, and would be placed in the tower without difficulty. He added, in correction of a rumour which had been extensively circulated, that the bells had not been cast, but that they would be so before the end of the year, and would be made of a convenient size.

MR. WISE said, that two or three years ago some uneasiness was felt with respect to the character of a good deal of the stonework in the Houses of Parliament, large masses having peeled off on the side facing the river and in many of the courts. Under those circumstances, the late Sir William Molesworth ordered that a strict supervision should be exercised over the selection of stones, and it would be satisfactory to the Committee to know whether that supervision was continued. He wished also to ask, whether the sum of £1,600 in the Vote under discussion "on account of the clock for the clock-tower in New Palace-yard" included the total cost of the clock?

SIR BENJAMIN HALL replied, that the total cost of the clock was £1,900, of which £1,600 had been paid on account, the remainder to be paid on delivery. The supervision ordered by Sir William Molesworth was still going on, and he was glad to state, that since it had been instituted, there had been less destruction of stone than before.

MR. SPOONER said, he wished to inquire whether the sum of £3,760 for the salaries of persons in charge of the maintenance and repair of the building included the salary of the gentleman in charge of the ventilating? Mr. Gurney was appointed upon the recommendation of a Committee of that House, and there seemed to be a difference of opinion between the Treasury and him as to the salary which he was to receive. He must also complain that the Government did not appear to be prepared to carry out the agreement made by Sir William Molesworth.

MR. WILSON said, the Vote did include the salary of Mr. Gurney. He could not say that Mr. Gurney was satisfied with the salary which the Treasury was disposed to give him, but, when the hon. Member for North Warwickshire saw the correspondence which had taken place on the subject, he would perceive that the sum which the Treasury was prepared to allow Mr. Gurney even exceeded that which the Select Committee and Sir William Molesworth recommended.

Mr. BOWYER said, he wished to obtain some information relative to the sum of £4,000 for "various works in the decoration of the Palace at Westminster and for the encouragement of fine arts." Did they intend to employ any artists except those who were subjects of Her Majesty? A notion seemed to prevail that great artists could be raised in England by merely spending a certain sum of money. He believed, however, that the giving of ever so much money to middling or inferior artists would not convert them into Raphaels and Michael Angelos. If we really desired to encourage art, we should not bind ourselves by geographical limits. In times when art was most flourishing, no distinction was made as to the country to which a man belonged; and to employ our own painters only, would be not to encourage art, but to distribute a certain sum of money among English tradesmen. The result of that system was to be seen in the pictures over the Throne in the House of Lords. One of these pictures was quite disagreeable to look at. It represented the baptism of King Ethelbert. The king was painted with a crown upon his head, but stark naked. What was the historical authority for that primitive costume? It could not be said that the King was to be baptised by immersion, because there was a font close by, and his Majesty was no more able to be placed in that font than in a teapot. Another of the pictures was intended to represent the Institution of the Order of the Garter; but it might be held to represent anything else just as well. There was a person kneeling, who was supposed to be fastening the garter upon the leg of another, who was standing up, but the two were at so great a distance from each other, that it was impossible the first could reach either of the legs of the second. Then, again, in that picture, the principal portion of the legs of some of the figures was completely left out, although one would have thought that, in a painting representing the Institution of the Order of the Garter, the legs of all the persons concerned ought to have been visible. As to the pictures in the lobby upstairs which represented the poets, every one who had seen the ancient frescoes in Italy and the modern ones in Germany must admit, that those in the lobby were very poor specimens of frescoes. They were confined in space, were wanting in breadth and colour, and were more like water or body colouring than fresco paintings. He maintained that we never should obtain any reputation as a nation which understood and encouraged art unless we took a comprehensive view of the subject, and regarded the republic of art as extending over the whole world. There was in England at this moment probably the first living sculptor, the Baron Marochetti, and yet he did not see the name of that gentleman included among those who were to be employed in the sculpture of that House. Fresco painting had arrived at very great perfection in Germany, and it would be a great misfortune if that great building should contain no specimen of German art. He trusted that the Government would give some assurance that they would not take a narrow and peddling view of this matter, but that art in in its true and broad sense should be fostered and represented.

Vote *agreed to.*

(5.) £207,305, Holyhead Harbour, &c.

Mr. W. WILLIAMS said, he wished to know whether that item would be the last demand on account of those works. The Estimate and plans originally proposed by the architect, Mr. Rendall, appeared to have been doubled; was the present Vote intended to complete the works?

Sir CHARLES WOOD in reply, said, that in this case the observations of the hon. Member for Lambeth were particularly unjust. The additional expenditure and departure from the original plan was the result of the recommendation of a Committee of the House of Commons, and quite independent of the architect. The sum to be voted was intended to complete the work, the amount of £207,305 having been left over last year. The great value which the port had proved as a harbour of refuge had fully justified the general plan and estimate recommended by that Committee.

Vote *agreed to,* as were also the two following Votes,

(6.) £233,000, Harbours of Refuge.

(7.) £384,000 Port Patrick Harbour.

(8.) £41,021, Public Buildings (Ireland).

Mr. BLACKBURN said, he must complain of several of the items as being much too high.

Mr. W. WILLIAMS said, he objected

to the large item in the Vote for Kilmainham Hospital. He had been under the impression that that establishment, instead of being extended, was to be reduced.

MR. WILSON, in explanation of the Vote, said that a large increase had been found necessary in the expenditure in connection with the Royal Hibernian Military School, in consequence of the erection of a building, under the direction of the War Office, for the purpose of giving lectures upon military subjects. A considerable sum had also been laid out upon the lodge and other buildings in the Phœnix Park.

MR. WISE said, he felt bound to protest against the expenditure of between £40,000 and £50,000 a year for keeping up that which appeared to him of no earthly benefit.

Mr. SPOONER said, he objected to the portion of the Vote appropriated to the payment of Roman Catholic chaplains. He did not intend to divide the Committee upon the question, but he had been taunted the other night by the hon. Under Secretary for War that he had suffered a Vote of a similar character to pass. He did object most strongly to that particular Vote, but he knew that it would be of no use dividing the Committee on the matter, and he now wished it to be understood that he was strongly opposed to any sum of money being voted by that House for the support or maintenance of the Roman Catholic religion in whatever shape or form it might be brought before them. It must not be understood that because he did not think proper to divide the Committee that he gave his assent to the principle of the Vote.

Vote *agreed to,* as was also,

(9.) £19,350 Kingstown Harbour.

(10.) £83,680, Houses of Parliament.

MR. A. PELLATT said, he wished to call attention to the exorbitant fees demanded of petitioners opposing private Bills. He observed that if a petitioner wished to be heard before the Committee, to which a private Bill might be referred, he must pay a fee of five guineas a day before he was permitted to open his lips, and if he employed counsel the fee was raised to ten guineas. He considered it most unjust that persons whose rights might be invaded by the proposed provisions of a private Bill should be put to such an expense in protecting them. He also wished to inquire whether those fees formed part of the Vote, and, if so, whether the Government would consent to reduce or altogether abolish them?

MR. WILSON said, that the charge for the payment of witnesses was confined to defraying the costs of those who were examined before the Committees sitting on public matters; the shorthand writers' account spoke for itself, and with respect to the allowances to officers of the House, the charge arose principally out of compensation money granted to those who held offices under old patents, which would eventually expire, when it would of course be discontinued. His attention had not been before directed to the amount of the fees paid by persons opposing private Bills. Notwithstanding that those expenses had been moderated of late years by the operation of general Acts of Parliament, there could be no doubt that they were still very heavy, especially upon railway and other companies. The question, however, was one for the House of Commons itself rather than for the Government.

MR. HADFIELD said, that great injustice was done to railway companies by requiring them to pay these heavy expenses. Hardly anything had effected so much social improvement as the falicity afforded by railways for rapid communication between distant parts of the country; and yet the companies promoting them had received nothing but obstruction at the hands of that House.

MR. MONTAGU CHAMBERS said, he wished to direct attention to the item of £4,000 charged for shorthand writers' notes for the two Houses, and also to inquire whether any new arrangement had been made since the death of Mr. Gurney with reference to the conduct of that portion of the business of the House. He was informed that a given sum was charged by Mr. Gurney per day for attendance and taking notes before the Committees of the Houses of Parliament, and of that sum Mr. Gurney appropriated one-half, and the particular shorthand writer employed had the other, which seemed to him an exceedingly inequitable arrangement. It was all very well when the system of taking the evidence given in Committees in shorthand was first introduced, and when there was great difficulty in obtaining gentlemen competent to do the work, to place the monopoly in the hands of Mr. Gurney, who was then the principle shorthand writer, but the state of affairs was widely different now when there existed a distinct class of gentlemen following the profession, and practising in the Courts of Law and equity, who felt that they had a claim to a portion of that business which was now vested in the hands of one firm.

Mr. WILSON in reply said, that upon Mr. Gurney's death a new arrangement was made under the sanction of the Speaker with Mr. Gurney, junior. No alteration, however, was made in respect to the terms. Mr. Gurney was engaged by the House, and he might engage other shorthand writers to assist him if he chose, but the terms must be a matter of arrangement between themselves.

Mr. MONTAGU CHAMBERS said, that he had been in communication with a great number of gentlemen of undoubted skill and talent, and very eminent in the profession. Those gentlemen considered that as a body they were extremely useful, not only to the House, but to the kingdom generally; and he thought that through the instrumentality of Mr. Gurney some arrangement might be made to ensure a more equitable distribution of the business, and a fairer rate of remuneration to the person who did the work.

Vote *agreed to;* as were also the two following Votes—

(11.) £52,095, Treasury.

(12.) £24,204, Home Office.

(13.) £68,241, Foreign Office.

Mr. BLACKBURN said, he desired to call attention to the large amount (£35,000) set down for messengers' bills and expenses of extra couriers.

Mr. WILSON said, the increased expenditure under that head was caused by the state of war, which of course led to the more frequent employment of couriers. The cost of all those communications was borne by the Foreign Office, not by the War Office.

Vote *agreed to;* as were also the five following Votes—

(14.) £28,452, Colonial Office.

(15.) £61,067, Privy Council.

(16.) £2,700, Privy Seal.

(17.) £24,594, Paymaster General.

(18.) £6,483, Comptroller of Exchequer.

(19.) £23,313, Works and Public Buildings,

Mr. WISE said, he must complain of the new appointments stated to have been made in that department without submitting them to the Lords of the Treasury.

Mr. WILSON said, he must deny that any such thing had taken place lately. Two years ago considerable alterations took place in the department, but all those alterations had the sanction of the Treasury.

Mr. WISE said, he could only say that he held in his hand a document, dated January, 1856, addressed to the Lords of the Treasury, and signed by Mr. Romilly, Mr. Ross, and Colonel Maberly, which stated decidedly that there were several cases of new appointments and increase of salaries which were not supported by their Lordships' authority; and the document alluded especially to the Board of Works and to the different departments under that Board.

Vote *agreed to:* as were also the two next Votes.

(20.) £21,664, Woods, Forests, and Land Revenues.

(21.) £16,447, Public Records.

(22.) £208,993, Poor Laws.

Mr. SEYMOUR FITZGERALD said, that though he believed reductions had taken place in the staff of the Poor Law Board in Ireland, the state of the country was so satisfactory that there was not sufficient work even for those at present employed. He hoped, therefore, to see further reductions effected under that head.

Mr. HORSMAN said, that the expense of the Irish Poor Law Board was now only one-half what it was four years ago.

Vote *agreed to.*

(23.) £48,829, Mint.

Mr. A. PELLATT said, he wanted to know in what way the increase of £10,000 for coinage had arisen?

Mr. WILSON, in reply, said, that the expense of the coinage depended entirely upon the amount coined. The Master of the Mint had reason to anticipate a much larger coinage than in the past year, and, therefore, the estimate was proportionately large.

Mr. SPOONER said, he would beg to inquire how the estimate was arrived at?

Mr. WILSON said, the Master of the Mint usually put himself in communication with the Bank on the subject. In the present case, the belief was that if gold came into this country in large quantities, as it was likely to do during the ensuing year, and, at the same time, there was no commensurate return of the money sent out to the East, it would be necessary considerably to increase the coinage.

Vote *agreed to;* as was also—

(24.) £23,145, Inspectors of Factories, &c.

(25.) £5,964, Rembrancer of Exchequer (Scotland).

MR. CRAUFURD said, he wished to call attention to certain increases of salary which had been made, and to two new appointments. He also wished to know if the Report of a Commission upon the subject had been received, and if so, whether it would be laid upon the table?

MR. WILSON, in reply, said, that no Commission had been appointed to inquire into the matter. He was bound to say that of all the establishments paid by the Treasury not one was more efficient than this.

MR. W. WILLIAMS said, that some of the items in the Estimate required explanation. He would say nothing about the salaries for the Bible Board, which, however, amounted to not less than £1,090; but when he read such charges as £97 for Her Majesty's limner, £16 13*s*. 4*d*. for Her Majesty's clockmaker, £184 for Her Majesty's historiographer (all in Scotland, it should be remembered), and of an allowance to a person having charge of the Regalia of £140 (£20 more than the Estimate for the same purpose last year); of the Queen's plate to be run for at Edinburgh, £98 16*s*. 6*d*; of ditto, for the Caledonian Hunt, £98 16*s*. 6*d*.; and of ditto, for the Royal Company of Scottish Archers, or Queen's Body Guard, £20; making a total (including the Bible Board) of £1,745 6*s*. 4*d*., he did think some explanation was required before the Committee would be justified in agreeing to such a Vote. He should like to know whether the offices included in this Vote, which were perfect sinecures, were to be continued or abolished?

MR. WILSON said, he could not give his hon. Friend any promise on the subject. Those sums were formerly paid out of the revenue of the Crown, and when that revenue came under the control of Parliament, the items formed a portion of the annual Estimates, and he was unable to say that there was any intention to discontinue the payment of them.

MR. WISE said, that the sums voted for the Queen's Plate for races in Scotland as well as in Ireland were no charge on the country, as they were formerly charged on the hereditary revenue. The sums required under this head for Scotland were £197 13*s*., whereas the sum annually voted for fifteen Queen's Plates to be run for in Ireland was £1,574 6*s*. 2*d*.

Vote *agreed to*.

(26.) £6,431 Lord Lieutenant of Ireland.

MR. W. WILLIAMS said, he could not conceive what was the use of these officers. The Lord Lieutenant was a private gentleman, and it very seldom occurred that he was a military man. He found that two of the persons charged for were termed "gentlemen at large," who received £257 17*s*. 4*d*. He should like to know what were their duties. Then there was a Master of the Horse; could anything be more farcical? To maintain the dignity of Royalty in this country was necessary, but to adopt the same system in reference to the mock Royalty in Ireland was in the highest degree absurd. Then there was a Court Herald. His salary was certainly small, for he received less every year than his clothing amounted to.

MR. BLACKBURN said, unless the office of Lord Lieutenant of Ireland were done away with, and he thought it ought, it was useless to complain of such petty items as the hon. Gentleman the Member for Lambeth had alluded to. He considered the post of Lord Lieutenant of Ireland a most useless office.

Vote *agreed to*, as were also the three next Votes—

(27.) £15,164 Chief Secretary for Ireland.

(28.) 6,294, Paymaster of Civil Services (Ireland).

(29.) £2,555, Inspectors of Lunatic Asylums (Ireland).

(30.) £22,516, Public Works (Ireland).

MR. W. WILLIAMS said, he must complain that the expenses of drainage works and the general valuation of Ireland were charged to the public instead of to the individuals who would be benefited.

THE CHANCELLOR OF THE EXCHEQUER, said, the general valuation of Ireland was originally ordered with reference to the county cess; and, with respect to the drainage works, they were paid out of public grants, and were, therefore, executed under Government superintendence.

MR. W. WILLIAMS said, he must still contend that the county cess in Ireland was the same as the county rates in England, and that the expense of a valuation for that purpose ought to fall exclusively on the landed proprietors of Ireland, and not on the public.

MR. MACARTNEY said, although the Government advanced the money, the

Irish counties had to pay for the valuation.

Mr. BLACKBURN said, he thought it very extraordinary that public works in Ireland should cost as much as public works in England.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding £30,361, be granted to Her Majesty, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts, to the 31st day of March 1857.

Mr. BOWYER said, that when the right hon. Gentleman the Member for Buckinghamshire was Chancellor of the Exchequer he had announced the intention of the Government to take steps to introduce a uniform system of public accounts and audit; nothing, however, had since been done on the subject. In 1831 a Commission had been appointed to inquire into the system of public accounts, and Dr. (now Sir John) Bowring had been directed to inquire into the system adopted in France and Belgium; he recommended a uniform system of double entry. Since 1847 there had been no return of the state of business in the Audit Office, but at that period the office was greatly in arrear. Dr. Bowring reported that in France and Belgium there were no arrears, the accounts being audited in those countries by what were called Chambers of Accounts. The accounts in our own Audit Office had been two years in arrear, and the Commissioners complained that they had no means of remedying this state of things. The great evil was that the public accounts were brought to the Audit Office in a particular form, and that the Office had then to put them in the entirely altered form required by the Exchequer. If a uniform system of keeping the public accounts were adopted, they could be carried into the Board of Audit, and there audited without any alteration of form. The Commissioners of Audit had no power to compel any accountant to bring in his accounts for audit. They had no compulsory powers by which to expedite the process. All that they could do was to represent the matter to the Treasury, who might order the Attorney General to exchequer the accountant. But in the system adopted in France and Belgium this evil was obviated, for the Board of Audit had a contentious jurisdiction. They could make orders upon public accountants to bring in their accounts, and, if they did not, they were armed with proper powers to compel them to bring their accounts before them. If the accounts being brought in did not satisfy the contentious branch of the Court, it had the power of compelling the accountant duly to account before the Board. He should like to know whether anything had been done to fulfil the promise made on this subject by the right hon. Gentleman (Mr. Disraeli) when he held office, and whether the Government were willing to consider the necessity of applying some remedy to the inconvenience?

The CHANCELLOR of the EXCHEQUER said, that the subject had already received his attention, and he had framed the outline of a measure for consolidating the Acts relating to the audit of the public accounts, and he hoped to lay before the House the details of the measure at an early opportunity.

Mr. MACARTNEY said, that thirty-six clerks in the Audit Office had been transferred to the War Department. Had that transfer anything to do with the intention said to be entertained, that the War Office was to audit its own accounts?

Mr. WILSON: The War Office will audit its own accounts.

Mr. MACARTNEY: That cannot be done without a Treasury Minute.

Mr. WILSON: There is a Treasury Minute.

Mr. MACARTNEY said, he should then take an early opportunity of moving that the Treasury Minute be laid on the table.

Mr. W. WILLIAMS said, he thought the course which had been pursued in reference to this matter was not commendable. He was strongly of opinion that the war accounts should go to the Audit Office, and he hoped that whatever the opinion of the Treasury might be, the House of Commons would never sanction an opposite principle. If there was any security at all in reference to the disposal of the national funds, it was clearly through the Audit Office. The Committee had passed the War Office Vote, which he would have opposed if he had known of the fact which had just been elicited, and which certainly took him very much by surprise. It was a most improper thing to allow any public department to audit its own accounts. He trusted that the Commissioners' salaries would be from time to time subjected to the revision of that House.

THE CHANCELLOR OF THE EXCHEQUER said, he fully agreed with his hon. Friend that departments ought not to audit their own accounts, but his hon. Friend had overlooked the important fact, that the accounts audited by the War Office were accounts not of expenditure made by persons who conducted the audit, but, for the most part, of expenditure incurred upon foreign stations and in colonies and places remote from the department. Thus the persons who conducted the audit were quite unconnected with those who made the disbursements. It was a mere question of convenience, and in the consolidation of military departments which had recently taken place it was thought that certain details of military expenditure ought to be audited, not by the Audit Office, but by the central military department. He was prepared to lay upon the table the Treasury Minute by which the transfer was effected and in which the nature of the change was explained. The salaries of the Commissioners of Audit were charged on the Consolidated Fund, instead of being included in the Votes, upon the long-established constitutional principle that the Audit Board should be placed upon the same footing as the Judges. They occupied an independent judicial position, they held their office not at the pleasure of the Crown but during good behaviour, and their salaries were excepted when the Act was passed transferring a number of charges from the Consolidated Fund to the Votes.

MR. HENLEY said, the right hon. Baronet had not shown any sound reason why the auditing of these accounts should be taken out of the hands of a proper, judicial, and competent tribunal and placed in the hands of persons who might mismanage the business under their control. No reason had been given why the Committee should be deprived of the valuable security which they formerly possessed.

MR. W. WILLIAMS said, he would like to have an answer as to whether the expenditure of the army, which amounted to £35,000,000 for the various branches, was to be audited by the Audit Office or by another department.

VISCOUNT PALMERSTON said, great misunderstanding seemed to prevail with regard to this matter. The expenditure of the army was the expenditure of the regimental officers; accounts of that expenditure were rendered by the paymasters, and those were the accounts audited at the War Office. They amounted to a very large sum, but they consisted of very minute items of expenditure, which had taken place in accordance with regulations made by the Commander in Chief and the Secretary for War, and it was quite impossible that they could be audited by auditors who were not cognisant of those regulations. They consisted of items relating to each separate soldier in the service according to his position, from time to time, in quarters, in the field, or in barracks, and they were not therefore accounts of the War Department.

MR. HENLEY said, he wished to know whether the accounts now transferred to the War Department had heretofore been audited by the Audit Office? It was only reasonable that a Member of the Government should inform the Committee how this vast expenditure had been audited.

VISCOUNT PALMERSTON said, his meaning was that the great bulk of expenditure being regimental expenditure, it could only be audited by the War Department, as it always had been audited from the earliest time by persons acting under the Secretary at War.

COLONEL DUNNE said, what the Committee ought to know was the cost of the materials supplied to the War Departments, and the contracts made for food and clothing, and other things. Most extravagant expenditure was made for the Land Transport Corps, and for other matters, and the accounts relating to that expenditure ought not to be audited by the War Department.

MR. WILSON said, he would endeavour to explain the matter as far as he understood it. In regard to the Commissariat accounts, it had been the practice for the commissariat officers abroad to send their accounts to the Audit Board without communicating with any department at home; but when the Commissariat department was separated from the Treasury and removed to the War Department, it was thought more proper that the latter should receive the whole of these minute accounts from their own officers and audit them in the first instance, but, finally, they would be audited by the Audit Board.

MR. HENLEY said, he thought the Committee should be perfectly satisfied on the point whether those accounts were to go to the Audit Board at all, for it seemed extraordinary that, at a time when more than ever a strict and proper audit was needed, about one-fourth of the staff of the Audit Board was transferred to another department. It was impossible, under those circumstances, but that the public should entertain the idea that something was going to be hushed up. He hoped the Committee would be furnished with more information on the matter than it possessed at present, and the best plan now to adopt would be to postpone the Vote.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the Committee that the change had been made to render the audit not less complete but more efficient; and it was in that spirit and belief that the alteration had been effected with the full concurrence of the Audit Board and the War Department. He was not sufficiently acquainted with the details of military expenditure to be able fully to explain the matter, perhaps, but it had been minutely investigated by persons competent to form a judgment on the subject, and he repeated that this transference from the Audit Board had been made, not with a view of hushing up or hiding anything, but to make the audit as efficient as possible. As the subject was so intimately connected with the Vote for the War Department, he hardly thought that there would be any advantage now in postponing the present Vote.

MR. DISRAELI said, he should be very sorry to press the Government to postpone the Vote, but when they heard the Chancellor of the Exchequer himself say that he was unable to explain, there was, he thought, a *primâ facie* case why they should ask the Government not to be precipitate in the matter. He had himself given some consideration to the subject, and his impression was, that one of the greatest faults of our system of administration was the limited system of our audit, and he thought that, if any change were to be made, they ought to increase the power and independence of the Audit Board rather than impair them. An audit to be perfect, should be complete and independent. Now it was acknowledged that our present system of audit was faulty, in so much as it was incomplete; but what was the Vote for? Was it to increase the power of the Board? It was rather to diminish it. We were at present increasing our expenditure, and that was the time when the Committee was asked to diminish the power of the Audit Board. Now he put it to gentlemen on both sides of the House if that was good policy? The right hon. Gentleman the Chancellor of the Exchequer admitted that he knew nothing of the nature of the arrangement, but said that persons of the greatest authority on such matters had given it as their opinion that the change was one which would be advantageous to the public service. It was not right in discussions like the present to refer to anonymous authorities, but he would refer to the opinion of a public servant of great experience in the Treasury, and which, if not identical with that relied on by the right hon. Gentleman, might, at least, be taken as its equivalent. The gentleman to whom he alluded did not actually approve of the transfer of the Commissariat from the Treasury to the War Department; but yet he did not oppose it. He did, however, say that, although he did not care if the transfer were to take place, he would yet advise them to take care that the auditing of the Commissariat accounts should not be also transferred to the War Department. Here then they were in this position—they not only had the Commissariat transferred to the War Department, but they had their audit also in the War Department, and that at a time when they were increasing their expenditure. Those were circumstances that should, he thought, make them pause in the matter. Hitherto their audit had never been complete, and scarcely independent; and it was never more feeble than at present. He could not approve of the Vote, and he therefore wished that the right hon. Gentleman would reconsider it, especially as he was not at present in the position of being able to address the Committee with a full knowledge of the subject.

MR. WILSON said, he would accede to the postponement of the Vote.

MR. W. WILLIAMS said, he thought that the noble Lord at the head of the Government, the Chancellor of the Exchequer, and the Secretary of the Treasury had all three completely broken down in their attempts to explain the Vote, and they had therefore done wisely in acceding to the suggestion of the right hon. Gentleman opposite to postpone it for the present.

Motion by leave *withdrawn.*

(31.) £17,710, Copyhold Inclosure and Tithe Commission.

MR. W. WILLIAMS said, he thought it was quite time that this Commission was wound up; at any rate, there was no need, he thought, for three Commissioners. Their dealings were entirely with private property, and it was unjust that the public funds should be called upon to defray an expenditure which merely benefited private proprietors.

THE CHANCELLOR OF THE EXCHEQUER said, he might remind the Committee how frequent had been the complaints on account of the expensiveness of passing private bills. Now, one of the objects of this Commission was to render unnecessary the large outlay on one class of Private Bills—namely, "Inclosure Bills," and though, undoubtedly, Bills of that kind related to private property, nevertheless important public functions devolved upon the Commission in the discharge of their duties. The arguments of the hon. Gentleman (Mr. Williams), if carried to its legitimate consequences, would render it inexpedient for Parliament to defray the expenses of the Courts of Justice. The enfranchisement of copyholds was a subject to which Parliament had directed its attention for many years, and was a measure recommended by public policy as altering the tenure of land, and rendering its cultivation more profitable. It could not, therefore, be stated that the functions of the Commission had reference merely to private objects. With reference to the Tithe Commission, it was required to wind up an immense mass of business, as well as to take charge of a vast number of plans and maps relating to every part of England, which were being constantly referred to by solicitors. He could assure the Committee that the several functions of the Commission occupied its entire time, whilst its services were of great public utility.

MR. WALPOLE said, he wished to know what was the meaning of so large a Vote as £2,154 being required for the legal expenses of the Commission?

MR. WILSON said, in reply, that it was occasioned by the Commissioners having to defray costs, amounting to that sum, in an action which they brought with the consent of the Treasury.

Vote *agreed to.*

The following Votes were then *agreed to*—

(32.) £17,710, Copyhold Expenses under Inclosure and Drainage Acts.

(33.) £38,234, General Register Office.

(34.) £3,388, General Register Office (Dublin).

(35.) £6,665, Registrar General of Births, &c. (Edinburgh).

(36.) £13,880, National Debt Office.

(37.) £2,840, Public Works Loan Commission.

(38.) £1,570, West India Islands Relief Commission.

(39.) £1,310, Commissioners in Lunacy.

(40.) £984, Superintendent of County Roads (South Wales).

(41.) £1,405, Registrar of Friendly Societies.

(42.) £32,000, Foreign and other Secret Services.

(43.) £458,275, Stationery, Printing, &c.

MR. WALPOLE said, he wished to call attention to the very large amount of the Vote. Last year there was a deficiency of £50,000, which had to be provided for now; and the increase in the Vote, as compared with that of last year, including this deficiency, was £40,000. During the last Session there was a Committee appointed on the subject of printing, which reported that the contracts with the printers to the two Houses could not, without violating the understanding that they should continue as long as the patent of Mr. Spottiswoode, be altered until the year 1860. At the same time there was one portion of printing, that which included works printed by the public departments, and the Reports and appendices of Commissions and Committees, in which a very considerable saving might be effected. There were appendices which noble Lords and hon. Gentlemen in that House read which contained pages upon pages of figures and names, the general results of all which information were given in the Reports. When examined before the Committee, Mr. M'Culloch, who had carefully and attentively considered the question, suggested that either that House or the Printing Committee should exercise some control as to the occasions on which those appendices should be printed. The Chairman of the Committee might decide whether or not the appendices to the evidence should be published. It was most important that attention should be paid by the Government, or, failing that, by the House, to the revision of the three classes of printing to which he had referred, especially of that connected with Commissions. Almost all Commissions now reported to the Secretary of State for the Home Department, and their Reports were then laid upon the tables of both Houses. All the evidence, let it be ever so voluminous and ever so immaterial, was appended to the Reports, and printed at the expense of the public. He (Mr. Walpole) thought that the Chairman of a Commission ought to communicate with the head of the department to which he reported as to the evidence which should be printed, and that his recommendation, subject to the control at the head of the department, should be acted upon. As to the Reports of Committees of that House, he thought that the recommendation of the Committee, that the Chairman should in every instance recommend in his Report how much of the appendices should be printed, might well be acted upon.

THE CHANCELLOR OF THE EXCHEQUER said, he was glad that his right hon. Friend had called attention to the large amount of this Vote, which equalled the entire income of a small German principality. There was, he thought, great reason why an attempt should be made to reduce it within moderate limits. As to the Reports of Commissions, an order was some years ago given by the Home Department that no Commission should insert any document in an appendix, or send it to the printer, without an express authority from the Secretary of State. He was not sure that that order had always been obeyed, but it was given five or six years ago, and had the effect of materially diminishing the bulk of the appendices to Reports. As to the Reports of Committees of that House, no such control had ever existed; and it would be a very delicate matter to interfere with the authority of Committees as to the insertion of such matter as they thought necessary in their reports. Nevertheless, he thought all Members would admit that many documents found their way into appendices which were not worth the expense of printing. It would be very useful if either the printing, or some other Committee, would exercise a control over the documents which were inserted in Reports. The great bulk of the Reports, both of Commissions and Committees, however, consisted of evidence, and he did not see how it would be possible to make a selection of evidence to be printed without leading to never-ending charges of partiality and unfairness. The expenses of printing in the public offices had of late years increased, owing to the habit of printing great numbers of forms of accounts. That had arisen from the great increase in the amount of statistical information called for by that House, and indicated a laudable desire to furnish to Parliament ample accounts of the expenditure of the country.

MR. WALPOLE said, he would mention as instances of unnecessary expense the volumes issued by the Committee of Council on Education. The Reports contained in those books were very valuable, but the long lists of names appended to them were worth nothing at all. Yet the great expense arose from the printing of those lists. The Board of Health had also expended large sums upon printing. The present estimate for that department was £1,200; and he had been informed that there were of the books published by that Board 30,000 copies still unissued.

MR. CRAUFURD said, he would remind the Committee that it was necessary for the convenience of Members that the evidence taken before a Committee should be printed during the progress of the inquiry; and that, therefore, the principal portion of the expense, that of setting up the type, must be incurred, whether or not the evidence were afterwards reprinted with the Report. A great evil of the present system was that no attempt was made to regulate the issue of the Parliamentary papers according to the intrinsic attraction of the topics to which they referred, papers of merely local interest being circulated as profusely as documents of historic importance. The papers relating to the capitulation of Kars were already out of print.

MR. VERNON SMITH said, the Committee and the public were very much indebted to the right hon. Gentleman (Mr. Walpole) for bringing this subject forward. At the same time he must assert that in most cases the real sinners were the Members themselves, who required all sorts of printed Returns. That was especially the case with respect to Select Committees, and also Commissions. He thought, if the House of Commons wished to take up the question, they should pass a Resolution to the effect that all matters intended to be printed should be sent to the Printing Committee, or some other tribunal, who should have the power of deciding what ought to be printed and what ought not, and the House should abide by the decision of that tribunal.

MR. HENLEY said, that the Vote before the Committee was for the large sum of £458,272 for printing and stationery.

As far as Parliamentary matter was concerned the Estimate was only £140,000, not quite a fourth part of the whole Vote. He thought it would be a great mistake to stop the printing of what was valuable. The War and Admiralty Departments cost upwards of £200,000, or more than the two Houses of Parliament. If any means could be struck out to lessen the expenditure of the printing he should be glad, but he should not like to lessen the printing of useful information.

MR. WILSON said, he must explain that, with regard to the item for the War Department, it was not for stationery alone—a portion of it was for cartridge paper, necessary on account of the war, and also a part for special specifications of patents.

MR. DISRAELI: I am sure, Sir, that any suggestion coming from my right hon. Friend (Mr. Walpole) will be always listened to with attention. I should have been disposed to pass unnoticed his observations on the present occasion, though not exactly coinciding with them, but for the challenge thrown out by the right hon. Gentleman the President of the India Board, that my right hon. Friend should bring forward this question in the shape of a substantive Motion. Now, Sir, how did this discussion commence? We were told that nearly £500,000 was expended upon printing matters, the results of investigation by our Parliamentary Committees—an investigation whtch was, of course, necessary in order to enable us to form our opinions upon the particular subjects in question. Now, even though the expense attending the printing of such matters may amount to nearly £500,000, I confess I should hesitate before I became a party to any reduction of this Vote. So far as I could influence a Committee I certainly should not sanction any rash or sudden change in this Vote, by means of which we obtain such information as enables us to form our opinions upon any subject. In respect to the great questions that are usually submitted to Parliamentary Committees, it is of the highest importance to obtain the best and most accurate information. I need not, I am sure, remind the Committee, whatever may be the amount of expense necessary to obtain that information, that we ought to be cautious not to place any restrictions upon the printing of it, as we must all agree in the opinion that the diffusion of such information is the soul of good Government. But what are the facts we obtain when we investigate into this question? Why, not one-fifth of this expenditure is disbursed in the production of the great body of Parliamentary literature. Now, I think this expenditure is one of the most remarkable characteristics of the age in which we live, and the best evidence that could be given of the good system of Government under which this country flourishes. It must be admitted that it is most proper to print the Reports of our Committees; and if we print our Reports, we ought also, I think, to print the evidence upon which those Reports are founded. That evidence, I think, should be printed complete, whole, and unimpaired. The only cavil is as to the printing of what we call the appendices, or those documents which are subsequently added to our Reports. Well, but this is a question which I think should be left to the Committees themselves to decide. If we interfere in this matter I think we should be opening at once a great field of controversy and difficulty to an almost illimitable extent. My right hon. Friend said he believed that not two persons ever read an appendix to a Report of a Committee of the House of Commons. Well, Sir, I doubt the accuracy of that opinion. I do not think that that is the fact. On the contrary, I believe that a great many hon. Gentlemen consult these supplementary portions of the Report in order to make themselves thoroughly masters of the whole subject. This question has come suddenly upon us. It is not brought forward in the formal shape suggested by the right hon. Gentleman the President of the India Board. It is said that a great mass of useless matter in the shape of appendices to Reports encumbers the shelves of our library, but I would show the Committee the importance of those volumes by reminding them of the frequent references that are made to them, and of the fact that the knowledge of the matters contained therein has often influenced our debates in this House and the decisions of the Ministers themselves. Now, I am of opinion it is of the utmost importance that we should have those documents printed in their entirety—documents upon which the Reports of Committees have been founded, and such as are illustrative of the evidence taken before them. Without these documents I am of opinion that your library will be deficient of that information which it is important for the House itself to possess. Comparatively but a small part of this expenditure is disbursed for the printing of those documents. I do not think that the expenditure of £100,000 a year is at all extravagant, when it is made for the purpose of enabling us to obtain such information upon important subjects as may influence the decision of Parliament. That we should be cavilling at this time with this item occasions me, I confess, some astonishment and some degree of alarm. I must impress on the Committee that in consequence of the information we obtain by a reference to these documents we are enabled to form those opinions upon important questions, the expression of which entitle us to the confidence of the country. If you reduce the importance of the documentary evidence adduced before Committees, and upon which the opinions of the House and the Committees themselves are framed, you may depend upon it you will in the same proportion reduce the influence of this House. But the Chancellor of the Exchequer says, "Here is an annual expenditure greater than that of a German Prince, for the printing and publication of papers for the information of the House of Commons." Well, I answer, in the first place, that this printing is not for the House of Commons, but for the purpose of furnishing information to the country generally. That information, I consider, is absolutely necessary in order to obtain and to ensure the continuance of good government for the country. This expenditure is for Imperial purposes, and, I contend, is absolutely necessary, even though it should amount to the income of a German Prince. Are we to consider the expediency of an expenditure for Imperial purposes by a test of that kind? Why, if such an argument were to be admitted, it would be equally applicable to hundreds of other Votes which are passed in the course of the year. All we have to do is to ascertain whether this expenditure is for a suitable purpose or not. If it be for a suitable object, then I think it is our duty to see it disbursed in a complete and satisfactory manner. I have always supported the principle of a just economy; but I will not be a party to refuse a Vote, however large, which I think absolutely essential for the interests of the public service. In my opinion there is no Vote to which the Committee has given its sanction which is more advantageous for the public service than the present one, which produces a body of information that guides the decisions of the Legislature, and influences, to a great degree, the ultimate prosperity of the country.

Mr. WALPOLE said, he hoped his right hon. Friend did not suppose that he, or any one who advocated a proper control over the expenditure incurred in printing, wished to deprive the House or the country of any information which it was necessary they should possess. All that he (Mr. Walpole) desired was, that some person should be made responsible for the mass of matter which was constantly printed, and which was as constantly unread. If any hon. Member wished to have an illustration of his meaning he could give one. It was stated by Mr. M'Culloch that in the appendix to the second volume of the Wine Duties Report there were tables occupying 234 pages, describing the vattings of wine in different docks; and Mr. M'Culloch observed, "There is not, I believe, a sane person in the Empire who ever read a line of it, or ever will." No less than 1,750 copies of this Report were, however, printed and circulated at the public expense.

Mr. DISRAELI said, he would remind his right hon. Friend that the Chairman of the Committee had practically the power of preventing an appendix of unreasonable bulk from being printed. No document could be printed without the sanction of the Printing Committee, and they were bound to assume that the Committee would not permit the publication of papers which they did not think necessary for the information of the House and of the country. Reference had been made to the publication of documents by the Board of Health, but the printing of such documents might at any time be checked by the Treasury. He thought, therefore, that sufficient means existed for preventing the abuse of a privilege which he regarded as of great public importance.

Mr. WILSON stated, in reply to Mr. Pellatt, that the specifications of patents were printed and sold to the public at a very low price, under the provisions of an Act of Parliament passed within the last three years.

Mr. HADFIELD said, he must express a hope that copies of those specifications would be furnished to Mechanics' Institutes and public institutions in all the manufacturing towns of the country.

Vote *agreed to.*

The following Votes were then agreed to:—

(44.) £140,410, Postage of Letters.

(45.) £36,041, Solicitor of the Treasury.

(46.) £250,000, Prosecutions.

(47.) £1,100, Crown Office, Chancery.

(48.) £2,050, Crown Office, Queen's Bench.

(49.) £16,340, Sheriffs, &c.

(50.) £6,418, Registrar of the Admiralty.

(51.) £8,215, Insolvent Debtors Court.

(52.) £13,850, Treasurers of County Courts.

(53.) £29,348, Metropolis Police Courts.

(54.) £102,306, Metropolitan Police.

(55.) £3,615, Queen's Prison.

(56.) £3,342, Lord Advocate and Solicitor General (Scotland).

(57.) £17,551, Court of Session (Scotland).

(58.) £9,568, Court of Justiciary (Scotland).

(59.) £6,400, Criminal Prosecutions (Scotland).

(60.) 1,415, Remembrancer in Exchequer (Scotland).

(61.) £57,000, Sheriffs and Stewards (Scotland).

(62.) £12,167.), Procurators Fiscal.

(63.) £12,594, Sheriffs Clerks (Scotland).

(64.) £2,300, Solicitor of the Crown (Scotland).

(65.) £12,249, General Register House (Edinburgh).

(66.) £1,124, Commissary Clerk (Edinburgh).

(67.) £51,720, Criminal Prosecutions (Ireland).

(68.) £1,294, Court of Chancery (Ireland).

(69.) £1,338, Court of Queen's Bench (Ireland).

(70.) £1,421, Court of Common Pleas (Ireland).

(71.) £1,580, Court of Exchequer (Ireland).

(72.) £200, Taxing Officers (Ireland).

(73.) £5,232, Registrars to Judges (Ireland).

(74.) £1,766, Registration of Judgments (Ireland).

(75.) £300, Court of Delegates (Ireland).

(76.) £3,066, Insolvent Debtors Court, (Ireland).

(77.) £267, Court of Errors (Ireland).

(78.) £1,600, Police Justices of Dublin.

(79.) £35,000, Metropolitan Police, Dublin.

(80.) £639,100, Constabulary (Ireland).

(81.) £1,832, Four Courts, Marshalsea, Dublin.

On the Vote of £16,783 for charges for Inspectors and Superintendents of Prisons in the United Kingdom being proposed,

MR. HENLEY said, he objected to proceed with the Vote at that late hour, on the ground that it must give rise to much discussion on the subject of the ticket-of-leave system.

SIR GEORGE GREY said, he would consent that the Chairman should report progress.

On the CHAIRMAN putting the question on Mr. HENLEY's Motion,

MR. WALPOLE said, that in reference to a notice of Motion on the paper for Friday night, with respect to the ticket-of-leave system, he thought it would be desirable that the Government should make known their intention with respect to that Motion. He was of opinion that the result of an inquiry into the effects of the system would go to show that the apprehension now existing in the public mind with reference to the alteration in the law relating to convicts was not altogether well founded —that there had been, at all events, great exaggeration on the subject. He believed that the general supposition as to the effect of the emancipation of those convicts who had obtained the benefit of the Act of 1853, was not borne out by facts; and for that reason he concluded that an inquiry into the matter would be very useful.

SIR GEORGE GREY said, he also believed that there had been great exaggeration on the subject; and he agreed with the right hon. Gentleman that it was desirable that there should be an inquiry into the operation of the Act that had abolished transportation. He believed that the result of such inquiry would be to show that the public laboured under a misapprehension on the subject. He, however, thought that the form of inquiry suggested by the notice of the hon. Member for Berwickshire (Mr. F. Scott) was too wide and too vague; and supposing that to be the case, he had that evening placed on the paper an Amendment to that hon. Member's Motion which would limit the inquiry to the operation of the Act of 1853, which had abolished transportation, and had substituted for it the present system. If the House agreed to his Amendment, he thought that the object of eliciting the facts bearing on the matter would be effected.

House *resumed.*

VACCINATION BILL.

Order for Second Reading read.

MR. COWPER, in moving the second reading of the Bill, said, that there were at present three Acts in force on the subject of vaccination. The last of these was passed in 1853, and by the existing law gratuitous vaccination was provided throughout the parishes of this country for every one who chose to avail himself of it, and parents were required, under a penalty, to have their children vaccinated. However, there were defects in the Vaccination Laws that required correction, and being unwilling to add a fourth Act to those already in existence, he proposed by the present measure to consolidate, and at the same time amend, the provisions of the existing Acts, which would be repealed by the one now before the House. It was admitted by every medical man whose opinion was worth a moment's consideration, that vaccination was a specific against small-pox; of course he meant where the operation was properly performed. In fact, it was a point decided in the medical world, that vaccination, when properly performed, was a guarantee against small-pox, except in extremely rare cases; and no evidence had been produced to justify the idea that it produced injurious consequences. Statistical returns showed that in proportion as vaccination extended, so had the mortality from small-pox diminished. It appeared that in the year 1838, before the first Vaccination Bill passed, the mortality from small-pox in England alone was about 16,000; that in 1841, which was after the first Act came into operation, the mortality from this cause was reduced to 6,316, and that, taking the average of years, the mortality had since been between 5,000 and 6,000 yearly. Comparing this country with others where vaccination was universally practised, he found that in Austria, out of 1,000 deaths, sixty-seven were attributable to small-pox before the introduction of vaccination, and that that number had afterwards been reduced to six. In Trieste, 141 out of 1,000 deaths were attributable to small-pox before vaccination, and five since. In Bohemia, the mortality from small-pox had been reduced to about two in 1,000; in the Rhenish provinces, to about four; and in Sweden, to about two; whilst in England the number of deaths from small-pox was twenty-two in 1,000; in London, sixteen; in Edinburgh, nineteen; in Glasgow, thirty-six; and in Limerick, forty. He argued, then, that something should be done to make the system of vaccination in England more complete and satisfactory than it now was in comparison with other countries, where it was universally carried out. The Act of 1853 had been, to a certain extent, successful in increasing vaccination. In the year before it came into operation, out of 613,000 children whose births were registered, 201,000 were vaccinated. In the following year, out of 623,000 births, the vaccinations amounted to 428,000. In 1855 there appeared to have been a falling off, for out of 623,000 births, the registered vaccinations were only 321,000. The machinery of the Act in force, however, was not sufficient to effect the purpose of universal vaccination, and the reasons of the failure were obvious. A system of registration existed, by which the registrars, having registered the births, were supposed to register each case of successful vaccination; but the fact was, that they did not actually receive more than a small portion of the cases. Their books were, therefore, incomplete; and they were unable to state what cases had been vaccinated and what had not. He proposed, then, by this Bill to make arrangements under which more generally, though perhaps not universally, the certificates of successful vaccination should be sent to the registrar, who would compare the number of cases of vaccination with the number of births, and be able at once to fix upon the names of the children who had not been vaccinated within the appointed period of four months. It would then be the duty of the registrar to transmit a list of these to the board of guardians, who should give notice to the parents, which notice, he imagined, would in general prove sufficient for the accomplishment of the object he had in view. He also proposed to give the boards of guardians power to defray the charges of prosecution for non-compliance with the law out of the poor rates. Further, at present, when boards of guardians made contracts with their public vaccinators they were required to have the approval of the Poor Law

Board. That authority he proposed by the Bill to transfer to the General Board of Health, and chiefly with the view that the General Board of Health might take the necessary measures for securing competency in the public vaccinators. They might require, previous to any new appointment, a certificate that the vaccinator had practised in a vaccinating institution, and was well acquainted with the appearance of a true vaccine vesicle, or some other guarantee that he knew the business he was about to undertake. He also proposed to slightly increase the vaccination fee to the public vaccinators. It was admitted, he believed, that the present minimum of 1*s.* 6*d.* was too low; and as 2*s.* 6*d.* was the sum usually paid in many unions, he proposed to raise the minimum to that amount. Objections had been urged against making vaccination compulsory; but it was right to protect infants from being exposed to so dangerous a disease, and from becoming centres of contagion, and he did not think, that, regard being paid to experience and to the example of other countries, Parliament would be now prepared to take a retrograde step and to diminish the security against small-pox. He begged, therefore, to move the second reading of the Bill.

MR. HENLEY said, it was true that the principle of this measure had already been assented to by Parliament, but some of the details were very objectionable. Two conflicting authorities would be set up—the Poor Law Board and the Board of Health. Now that, he considered, would be a most inconvenient arrangement, and, therefore, in Committee he should strike out all which related to the Board of Health, and leave the question—as it ought to be—in the hands of the boards of guardians and the Poor Law Board. There had certainly been a good deal of dissatisfaction throughout the country as to the mode in which vaccination had been performed. In his own neighbourhood, for example, the poor people complained that all sorts of eruptions had made their appearance upon their children after the forced vaccination they had had to undergo; and though this might have nothing to do with the vaccination the poor could not be so persuaded. Such being the case, he was glad to see a provision for increasing the fees to be paid to the vaccinator for, as work badly paid was generally ill-done, the small remuneration given to medical men was probably one great reason why the operation was so much complained of. The present system of compelling mothers to leave their homes and take their children to the vaccinator was a very inconvenient one, and some consideration should, he thought, be given to this point in Committee. Then, again, the provision by which the Board of Health was to certify who were competent to fill the office of vaccinators was very objectionable, and he hoped the right hon. Gentleman would withdraw it.

MR. J. EWART said, he should not oppose the Bill, but would suggest that the registrars should have an increase of remuneration for the increase of labour it would entail on them.

MR. MICHELL said, that, had not vaccination been introduced small-pox would scarcely be heard of at the present day. Vaccination for the last few years had encouraged small-pox; for people, when vaccinated, fancied they were protected, went where small-pox was rife, got infected, and became, in consequence, propagators of the disease. Statistics proved that during the last twelve years small-pox had been increasing on the Continent, and the hon. Member for Leitrim (Mr. Brady) had shown that in Sweden and Denmark, where vaccination was compulsory, there had been more cases than in France and Belgium, where it was not compulsory. He therefore hoped the House would not allow the Bill to pass. The people of England were not prepared to receive a Bill like the one now before the House. He had that day presented several petitions against the measure. The real object of this amended Bill was to retain in the hands of the Board of Health a very large sum. A more arrant job was never perpetrated. But, if the Bill should pass, he admitted it was only just that the fee to the medical men should be increased as was proposed to be done. It would, however, impose a tax of £100,000 a year upon the people. The Board of Health would have the power of re-vaccinating every person in the kingdom. If that were not intended, why give the Board that power? The Royal Jennerian Society was altogether opposed to this measure. Dr. Gregory, one of the first medical authorities in the kingdom, and who was at the head of the Small-pox Hospital for a great many years, said that the most perfect vaccination afforded no guarantee against infection, and he doubted its usefulness. By the Registrar General's Report, it appeared that out of 432 deaths from small-pox 135 were cases in which the parties had been previously vaccinated. On board the *Constitution* frigate there were fifty-nine cases of small-pox, and out of those fifty-nine no less than fifty-four had been previously vaccinated. According to Dr. Gregory, there were, between the years 1824 and 1835, 3,839 cases of small-pox at the hospital over which he presided, 3,093 of which were after vaccination. He had statistics showing that cases of small-pox after vaccination had been increasing all over Europe. His objection to vaccination, then, was, that, in the first place, it gave no sort of protection against small-pox; and, in the second place, it induced paralysis, leprosy, and other diseases. An hereditary disease might be conveyed by vaccination. There was another reason why he was opposed to the system, and that was that vaccination very often caused death; and Parliament had no right to authorise any Board of Health to go into a man's house and say to him, "You shall submit to have a disease conveyed to you which may imperil your life." He believed there was no doubt that the small-pox left the patient more healthy than before, often curing the King's evil; and, upon high medical authority, he was justified in saying that vaccination was no protection against small-pox, but, on the contrary, frequently entailed the most loathsome diseases. For himself he would much sooner have the disease of small-pox than the diseases produced by vaccination. The doctors of foreign countries—especially those of America—showed that many dangerous diseases were produced by vaccination, and doubted whether it was not a greater evil than the small-pox. In all the continental towns cases of vaccination ending fatally had increased during the last three or four years. He objected to giving a compulsory power to enter into people's houses to vaccinate them against their will, for in one case out of three the children were inoculated with some virus conveying scrofula or some discease taken from another person. But for this Bill, if a person were vaccinated against his will and death ensued, it would be legal murder, or manslaughter at least.

Mr. BRADY said, he considered that the subject should be placed under the care of the Board of Health. So far from agreeing with his hon. Friend (Mr. Michell) he felt with the majority of the medical men in Europe, that vaccination was, generally speaking, a safe and effective prophylactic against small-pox. He should support the Bill, but he should propose some Amendments in Committee.

Mr. BARROW said, he objected to the bureaucratic and compulsory features of the Bill. The boards of guardians were representatives of the great body of the people, and he quite agreed with his hon. Friend (Mr. Michell) that they were not likely to assist the Government in carrying out the measure. He would warn the right hon. Member for Hertford (Mr. Cowper) that the people would not submit to the introduction of a new power over the guardians of the poor. He should object to any measure the object of which was to inflict a disease upon any human creature whatever. The right hon. Gentleman said the compulsory clauses of the existing Act had never been objected to; but did he ever hear of a case in which any one had attempted to inflict a penalty under its provisions? The right hon. Gentleman might be quite certain that those who voluntarily served the office of guardian would never consent to be made common informers. He protested against the second reading of the Bill, but he would divide the House. Before it arrived at its third reading, however, the Government would hear more of it; and he trusted that he should have the pleasure of seeing it rejected. If the compulsory principle were good for anything, why did they not seek by its means to prevent a disease which was not dissimilar in name from that which formed the subject of the present measure, and which was the result of crime?

Mr. MIALL said, he must likewise protest against the Bill, but on very different grounds. He believed that vaccination was a most valuable prophylactic; but making it compulsory had led to a carelessness in its use. The result had been a great deterioration in the vaccine lymph in use, and a consequent increase in the deaths from small-pox. If that principle were to be carried out we should be having a department set up for the purpose of inquiring into the health of every person every morning, and of prescribing what medicine he should take during the day.

Bill read 2°.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, April 1, 1856.

MINUTE.] PUBLIC BILL.—2ª Out-Pensioners (Greenwich and Chelsea).

Their Lordships met; and having gone through the business on the Paper, House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, April 1, 1856.

MINUTES.] NEW MEMBER SWORN.—For Lymington, Edward John Hutchins, esq., having embraced the Roman Catholic Religion, took and subscribed the Oath required to be taken and subscribed by Roman Catholics.

PUBLIC BILLS.—1° Nawab of Surat; London Corporation; Scotch and Irish Pauper Removals; Public Works; Public Works (Ireland).

THE CASE OF COLONEL HARNESS—QUESTION.

CAPTAIN **LEICESTER VERNON** asked if it were true that Colonel Harness, Deputy Inspector General of Fortifications, had been removed from that military office, in consequence of departmental misunderstanding with the Chief of the Civil Staff of the Ordnance?

MR. **MONSELL**: I regret to state that the line Colonel Harness thought proper to adopt with reference to myself in the discharge of his civil duties as Deputy Inspector General of Fortifications has induced my noble Friend, Lord Panmure, to consider that it was not for the interest of the public service that Colonel Harness should continue to hold that office. It is nevertheless only just to Colonel Harness that I should add, that both Lord Panmure and myself entertain the highest opinion of his ability as a military engineer, and my noble Friend has, in consequence, recommended to the Commander in Chief to appoint him to one of the most important offices in the service, namely, the command of the Royal Engineers at Malta.

COLONEL **DUNNE** inquired what was to be done with the senior engineer officers at Malta?

MR. **MONSELL** said, that was not a question that came under his cognisance; but he could assure the hon. and gallant Officer that no point of etiquette of that sort would in any case be allowed to stand in the way of the appointment of the most able men to fill military offices of high responsibility and trust.

PUBIC EXECUTIONS—QUESTION.

LORD **HENRY LENNOX** inquired of Sir George Grey, whether his attention had been directed to the circumstances which are alleged to have occurred at the execution of T. Bousfield on Monday last; and, if so, whether he would undertake to institute an immediate inquiry into the case?

SIR **GEORGE GREY** said, he had seen with great regret, in the morning papers that day, the statement to which the noble Lord referred, and immediately on reading it had directed a communication to be made to the Sheriffs of London and Middlesex, the persons upon whom the law imposed the duty of carrying the sentence of death into effect, calling upon them to make a report of the whole circumstances of the case. He had not received that report; and indeed he could hardly have done so, as there had not been time enough to prepare it.

MR. **BIGGS** inquired whether there was any intention on the part of the Government to substitute private executions within the walls of the prison, as was the practice in the United States, for the present mode of executing criminals in public?

SIR **GEORGE GREY** replied that Government had no such intention.

STEAM COMMUNICATION WITH AUSTRALIA—QUESTION.

SIR **JOHN PAKINGTON**, referring to a memorial presented some time ago to the Treasury from the Australian Society on the above subject, observed that attached thereto were certain statistical statements and plans which the memorialists were anxious should be in the hands of the Members. He wished to know whether there would be any objection to lay them upon the table.

MR. **WILSON** said, he did not think there would be any objection to the memorial and the plan which accompanied it being laid upon the table, though such a proceeding would, he considered, be injurious to the object the Australian Colonies had in view. It would not be convenient, or facilitate that object, that the Government having published to the world that they were ready to receive tenders up to a certain day, should reopen the question in order to receive a fresh scheme after the time at which the tenders were to be sent in had expired.

Mr. LINDSAY asked what steps had been taken with regard to the conveyance of the mails to the Australian Colonies?

Mr. WILSON said, that in accordance with the Resolution of the House, tenders had been advertised for by the Admiralty, and six offers were the result. These applications were at the present moment under the consideration of the Postmaster General, and when the subject had been fully deliberated upon, the result would be made known to the House.

SALARIES OF COUNTY COURT JUDGES.

Mr. ROEBUCK, in rising to move an humble Address to Her Majesty, praying Her Majesty to give directions to the Lords of the Treasury that hereafter, in order to maintain the dignity and independence of the County Court Judges, they shall cause to be paid to the said Judges a salary equal in amount to all, and permanently fixed at £1,500 per annum, expressed a hope that this important question, which was one in which the public generally were interested, would not suffer prejudice from the unpopularity of the humble individual who had undertaken it. The interests of justice were deeply involved in the adoption of the Resolution he intended to move; and if it were supposed that he had any personal object in bringing it forward, and was following it out by seeking his own personal interest, the House would probably be disabused of that impression by the course he would adopt before he resumed his seat. It was fit that he should begin by briefly recounting the pregnant history of our County Courts as they now existed. The person who first propounded to Parliament the establishment of these tribunals was Lord Brougham, to whom the country was greatly indebted for his valuable labours in the cause of juridical reform. That noble and learned Lord, when Lord Chancellor, proposed to introduce a Bill into the other House for the purpose of establishing County Courts; but the opposition he then encountered was too great for him, and it was reserved for the right hon. Gentleman the present Chairman of Ways and Means Committees in that House (Mr. FitzRoy) to carry that desirable object into effect, and it was ultimately achieved by the passing of the 9 & 10 *Vict.* c. 95. That Act gave these Courts a jurisdiction up to £20, and directed the payment of fees to the Judges, with power for the Crown to grant salaries not exceeding £1,200 in lieu of fees. By the 10 & 11 *Vict.* c. 102, jurisdiction in insolvency and protection cases was transferred from the country commissioners to the Judges of County Courts in the country circuits; and the Judges of those tribunals were declared incapable of sitting in Parliament. The 13 & 14 *Vict.* c. 61, extended their jurisdiction to £50, and even, by the consent of the parties, to any amount, including the trial of title to real estates; and it also transferred to the Lords of the Treasury the power originally given to the Crown to direct payment of the salaries of these Judges. The 14 & 15 *Vict.* c. 52, authorised the Judges of country circuits to grant warrants for the arrest of absconding debtors, on affidavit, for debts of any amount above £20. The 14 & 15 *Vict.* c. 100, empowered the County Court Judges to direct the prosecution of witnesses for perjury, and to commit for trial in default of bail. The 15 & 16 *Vict.* c. 54, while debarring these Judges from practising in their profession, provided that they should receive salaries not exceeding £1,500 nor less than £1,200. He cited these facts to show how year by year the business went on accumulating in the County Courts, until, in fact, a great part of the civil litigation of the country devolved upon them. The 16 & 17 *Vict.* c. 51 (the Succession Duty Act), gave a power of appeal from assessments to those Courts where the sum at issue was not above £50. By the Customs' Consolidation Act a similar power of appeal was given in cases of conviction up to the amount of £100 penalty; while by the Charity Trusts Act jurisdiction in charity trust cases, where the income did not exceed £30 per annum, was likewise vested in Judges of County Courts. The Common Law Procedure Act, 17 & 18 *Vict.* c. 125, also authorised the Judges of Westminster Hall to refer causes involving questions of account to the County Court Judges. By the Friendly Societies' Act Judges of County Courts were empowered to wind up the affairs of friendly societies. The House would see from this statement that there was hardly any subject involving civil procedure which might not be brought before the County Courts. There was also, it must be remembered, this peculiarity in the jurisdiction of these Courts, that they were very seldom aided by juries, and not often by counsel; that they adjudicated alone upon various matters of law; that there was not, in the majority of cases, any appeal against their decision, and that they exercised powers which were not always possessed by the Judges of Westminster Hall.

The Resolution he intended to submit to the House, proposed, in the first place, to make the salaries of County Court Judges equal. There was, he believed, a singular opinion held in some quarters that the merit of a Judge was to be measured by the number of cases he decided, and the amount of money which those cases involved; as if the great laws of this country were not dependent very often upon cases involving a very small amount. Why, the great question of ship money turned upon a case which involved only 20*s.*, and that, perhaps, was the greatest case that had ever occupied our tribunals. If, therefore, you made the measure of a Judge's capacity the amount of money involved in the cases he decided, you might find that the man who was called upon to decide in cases involving only a few shillings had been called upon to exercise greater judicial knowledge, greater judicial acumen, and greater powers of mind and of temper than the Judge who decided cases involving thousands of pounds. A series of Judges having, then, been appointed throughout the country to try certain cases, they ought to be men of equal ability, and if it was determined to have men of equal ability the country was bound in honour and in justice to remunerate them equally. In his opinion the salaries of County Court Judges ought in all cases to be fixed and equal, because the cases you called upon them to decide were of the same relative amount. He would, however, pass by that and proceed to the next point, which was still more important—namely, that the salaries of the Judges should be permanently fixed. He was sure it would be universally admitted that, ever since the Revolution, the judicial officers of this country had been distinguished for their independence. By a law passed in the reign of William III. the Judges were rendered independent of the Crown; and so great was the jealousy entertained lest the Judges should be in any measure subjected to the influence of the Crown, that it was now the custom for Judges to go to Court to pay their respects to the Sovereign only once, and that was upon their appointment. This was in itself a small matter, but it was significant. But the County Court Judges were brought hat in hand to the Treasury. One of the Acts of Parliament to which he had before referred provided that the salaries of those Judges should not be less than £1,200 or more than £1,500, the apportionment of the amount being left in the hands of the Treasury. The County Court Judges—the most important Judges of this country—were therefore required to bow down to the Treasury benches for the increase of their salaries from £1,200 to the maximum of £1,500 a year. As an illustration of this he would mention what had occurred to himself. It happened to him once, in the days when Lord Melbourne was Prime Minister, to have a grievance. He went to Lord Melbourne, and he should not easily forget the observations of that noble Lord:—"It 's all very fine," said Lord Melbourne, "to call me Prime Minister; but why don't you go to Johnny?" He (Mr. Roebuck) had no desire to "go to Johnny;" he made his application to Lord Melbourne, and the accuracy of that noble Lord's opinion was proved by the fact that, as he never made his application to "Johnny," his grievance remained unredressed. It was all very well to say that these questions of salary were decided by the Chancellor of the Exchequer, or the First Lord of the Treasury, but the man who really settled those matters was the Secretary of the Treasury. He would ask the House what they would think of the honour and independence of the Judges of this country if the Judges of any court should have to bow down to the Secretary of the Treasury? He would presently have to charge that hon. Gentleman (Mr. Wilson) with something like a dereliction of duty, and he would make the charge in plain terms, that neither the hon. Gentleman nor the House might misunderstand it. Before he stated the charge, however, he would entreat the House to consider what honourable and learned men would be likely to undergo before they would go cap in hand to the hon. Gentleman. It was his (Mr. Roebuck's) fate to have a brother-in-law who was a County Court Judge, and who received the appointment, without any application or solicitation of his own, from the late Lord Truro. That gentleman came within every rule laid down by the Treasury, or rather by the hon. Member for Westbury (Mr. Wilson), which would entitle him, as a County Court Judge, to the maximum salary; but he was carefully passed over. He (Mr. Roebuck) put a Motion on the

Notice-book, which he was told by the Speaker he could not move, as it was contrary to the rules of the House. Well, the hon. Member for Westbury came to him one day and said, "What becomes of your Motion to-morrow?" He (Mr. Roebuck) replied, "You know as well as I do that I cannot move it." "Well," said the hon. Member for Westbury, "that being the case, now I will tell you something. Your brother-in-law"—he (Mr. Roebuck) had never spoken to the hon. Gentleman about his brother-in-law—"has been for some time within the rule by which he is entitled to the maximum salary, but as your Motion was on the books he has not been appointed to that salary." Now, what did this case show? It showed clearly that in the apportionment of the salaries of County Court Judges circumstances were regarded which ought to have no influence upon such arrangements. What had the fact of his (Mr. Roebuck) being brother-in-law to a County Court Judge to do with the salary that Judge should receive? Why, the miserable self-complacency of the hon. Member for Westbury was hurt, and therefore justice was not done to a County Court Judge because he was his (Mr. Roebuck's) brother-in-law. But that was not all. In a Treasury Minute of the 23rd of August, 1853, with reference to the principle upon which the maximum salary should be allowed to County Court Judges, he found the following passages:—

> "The number of causes tried cannot be considered as a criterion of the labour which falls on the Judge, as the amount of labour required in country districts in travelling from court to court must be set against the greater number of causes tried in the metropolitan and other urban circuits. It is, therefore, only by considering the amount of the different labours peculiar to each circuit that the labour of the Judge can be estimated, and, when such an estimate of each circuit is made, the difficulty remains of determining which of the labours required by the Judges should be considered as the most laborious, so as to be able fairly to decide in which of the different circuits the duties are the heaviest."

In a Treasury Minute dated October 6, 1854, there was the following very remarkable statement:—

> "The statement annexed to this minute shows the plaints entered, the causes tried, the Judges' fees, and the amount sued for in each circuit for the years 1852 and 1853, and the average for such years; and, these elements of the business done in the Courts having been aggregated in each circuit, as the best test which my Lords can adopt, the different circuits stand in relation to each other in the following order with reference to the aggregate amount of such elements in each."

Then followed a list of circuits, and the maximum salary was awarded to the Judges of the fifteen circuits first named. The Judge of the sixteenth circuit was his brother-in-law. It might be said that there was good reason for stopping there, and he did not accuse the hon. Gentleman the Secretary of the Treasury of dealing with the interests of the country as if he were influenced by feelings against men who were unpopular in themselves. He did not say so. But it should be remembered that the County Court Judges were placed in a certain order for appointment to the maximum salary, and that the first fifteen were appointed. Well, it might have been supposed that the next Judge to whom the maximum salary was awarded would have been the sixteenth on the list. No such thing. No. 17 was the next, 19 the next, 28 the next, 37 the next, and 49 the next. So that, in fact, after the first fifteen, the appointments were made like the occurrences of a sickman's dream. Could it be said that No. 16 was passed over by mistake? He apprehended not. Was not the number of causes entered larger in the case of No. 16 than in that of No. 49? Certainly it was. There was also more travelling, and the amount of fees was greater. Upon what ground, then, was No. 16 passed over? It could not be said that the Treasury authorities were not acquainted with the facts, for Mr. Falconer, the Judge to whom he alluded, made frequent applications to the Treasury, feeling that there was a slur cast upon him. He knew Mr. Falconer well; he had great affection for him, and knew that the paltry sum in question was not that which agitated his mind, but the conviction that he was a marked man among his brethren. His brethren knew him to be a distinguished Judge; they knew that he did more work than almost any other Judge in the country, and yet they saw him passed over by the Treasury. Why? There must be some reason. The world at large did not know the reason. He could guess it, and the Secretary to the Treasury knew that he could. It was not that the hon. Gentleman was told by his superiors to do so and so, but there were certain minds so constituted that they easily found out what their superiors desired, and no matter what the dirty work might be, they were ready to do it. He held in his hand a letter addressed by Mr. Falconer to the Lords of the Treasury on the 19th of February, 1855. It passed in review every one of the grounds which the Treasury authorities had assumed as those upon which they were to determine the right of a Judge to a larger salary, and the writer showed that on each particular point he was better entitled to an increase than many of those who had been promoted. Such being the case, what opinion would be formed out of doors? If a man in his position, with a full knowledge of all that was passing before him, came to the conclusion that the Secretary to the Treasury had passed over a worthy Judge from political reasons, what would be the opinion of the public on the subject? Did anybody believe that it would be supposed that the Judges were beyond corrupt influences? Would it be supposed that the Office of the Treasury, which was peculiarly interested in the dirty work of Parliamentary elections, and which could be proved to have slighted a Judge for political reasons, and to have mixed itself up with that which was most degrading to human nature, could be corrupt in one case and pure in another? Not at all. It would be supposed — it was supposed — that Parliamentary influence governed its conduct in all cases, and that Judges were appointed and promoted, not on account of their merits, but upon political considerations and the connections they possessed. But he had another case to state to the House. A certain Mr. Morris was at one time sole County Clerk for the circuit of Glamorganshire, and he was also a great electioneering man in the same district. He was clerk to all the Courts in the Glamorgan district. He grew tired of his work as clerk, and went up to the Treasury and there entered into certain terms, the result of which was as follows:—For the sum of £400 a year he resigned his office, and the Treasury—such was his own statement—gave him authority to appoint full, not assistant clerks for the different courts in Glamorganshire, although the right to make such appointments belonged to the Judges. Mr. Morris exercised the power thus given to him; and when, some time afterwards, the Government expressed a wish to divide certain of the districts to which he had appointed clerks, one of those functionaries remonstrated, asserting that he had bought his situation from Mr. Morris, who, not content with the £400 a year from the Treasury as compensation for giving up his clerkship, had actually been paid by the clerks for appointing them to their offices. The first time that Mr. Falconer heard of the transaction was, when he was told that one of the clerks objected to have his district divided, because he had paid Mr. Morris for it. Here, then, was a clear case of corruption, and of selling judicial offices somewhere. He wanted some explanation of it, and he asked whether, if these facts could be clearly proved, it was so very plain that the House had done wisely in giving to the Treasury the power of fixing the remuneration of County Court Judges? He called upon the House to do away with this mischief, by at once fixing the salaries of the Judges and rendering them permanent. Thus he got rid of the second part of his Resolution.

He would now come to the third point, which was to the effect that the salary of County Court Judges should be fixed by Act of Parliament at £1,500 a year. He had stated his belief that County Court Judges were the most important Judges in the country. His reason for saying so was, that they decided upon the cases of the poor; that they disposed of a multitude of causes; and in many of the circuits had reduced the business of the other Judges to almost nothing. On the last Welsh circuit the Judge had one case, which engaged his attention the greater part of one day, but he could come to no conclusion, and at last the question was referred for decision to a County Court Judge. A County Court Judge tried cases not by hundreds, but by thousands, and if he were right in supposing that the interests of the country were bound up, not with the amount of money involved, but with the number of causes tried and the class of persons engaged in litigation, then there could be no doubt that County Court Judges, whose peculiar duty it was to administer justice to the poor, were the most important judicial officers in England. They had almost utterly excluded from business the courts of Westminster upon circuit; they decided now in insolvency cases, in Admiralty cases, and, if parties chose, in cases of title. They did so at much less cost than the Judges of Westminster Hall. It was true that they did not surround themselves with troops of javelin-men, and that they could not fine a sheriff £100; but they attended to the business and interests of the country, and, high qualifications being demanded of them, we were bound to pay them liberally. A very curious observation— more curious as coming from the Treasury bench—had been made upon this subject. "Oh," said the Secretary to the Treasury, "we can get as many men as we like, to fill the office of County Court Judge—men quite up to the mark—for £1,200 a year." Let him apply the *argumentum ad hominem.* Did the hon. Gentleman suppose that many men could not be found in that House and elsewhere to do the dirty work of the Treasury for less than £2,500 a year? So in the case of the Lord Chancellor, who had made a similar observation in the other House. Did anybody believe that scores of lawyers could not be discovered in Westminster Hall quite as capable as Baron Cranworth to perform the duties of Lord Chancellor for one-half of £10,000 per annum? And did the Chancellor of the Exchequer imagine that there were not hundreds of men, as able financiers as himself, ready to do his work for much less than £5,000 a year? That, then, was not a criterion. The criterion was the custom of the country. Now, County Court Judges were expected to mingle with country gentlemen—to take a position in society—and they were esteemed for the station they held. It was of the highest importance that those who administered justice to the poor should be above the very breath of suspicion. He had himself heard on circuit a prisoner object to being tried by any Judge but one in a red gown. The man fancied that justice would not be done to him if a "real Judge," as he called him, did not try him. What was the meaning of that? Why, the prisoner, like all his class, felt that a Judge in a red gown, occupying a high and distinguished position, which he had attained by his talents, would be sure to do him justice, and he could not place the same confidence in a man with a short wig and black gown. Hence it was of the greatest importance that County Court Judges, who were emphatically the Judges of the poor, should hold a high position in public estimation. It was of the utmost importance that the Judges should be above the cares of this world, that their minds should be clear and competent for business, and that they should not be troubled by the anxieties of life, but should be really happy and comfortable while doing the service of the State. To that end, he contended that the maximum salary appointed by Parliament was not more than sufficient; and he asked the House, in justice to those men, and in consideration for the country, to apportion to them such a sum as would place them above suspicion, above the breath of calumny, and above the anxieties and the meanness of the world. When the County Court Judges were first appointed with the maximum salary of £1,200 a year, they were permitted to practise their profession; but when the maximum of £1,500 a year was given, they were deprived of the liberty of undertaking private practice. That was a very proper provision, if the Judges were otherwise adequately remunerated, because he thought that no man in the position of a County Court Judge should exercise his profession at the bar. If that was so, the County Court Judge should be placed in such a position as to be able to mix in the society of the gentry of his country. Now he would ask what was the ordinary income of a country gentleman? Perhaps it was difficult to fix it; but he would ask whether £1,500 a year placed a Judge in a position above that which he ought to hold? He should be placed not only above the anxieties of the world, but above the meannesses of the world. He should not be obliged to watch his expenditure too narrowly, but then he should not be doing injustice to his children and his family. He therefore appealed to the House to support the Resolution he had brought forward, and which he now begged to move.

Lord STANLEY said, that he had not much to add to the statement of the hon. and learned Gentleman who had just sat down; more particularly as it was his intention to deal simply with the general question at issue, and not to enter into details of a personal or private character. He would briefly state to the House the manner in which Parliament and the Government had dealt with the question of the payment of County Court Judges. When the office was first created in 1847, it was determined that the Judges should be paid by fees; but so soon as it was found that the fees amounted to a larger sum than had been anticipated, the Treasury took them into their own hands, and adopted the principle of payment by salaries. In 1848, the salary was fixed at an average of £1,000 a year in all cases, leaving still to the Judges the power of private practice. In 1852, consequent upon the popularity of the courts and the confidence reposed in them, an addition was made to the amount of salary, and, upon the allegation that the remuneration allowed was not proportionate to the labour performed, an Act was passed, changing the salary from an average of £1,000 a year in all cases to a varying scale, of which £1,500 was the maximum and £1,200 was the minimum. This increase, however, was more nominal than real, because the same Act which augmented the official salary of the Judge took from him his private practice, which had hitherto been a source of emolument. The consequence of the Act then passed was, that the salaries were made to fluctuate at the arbitrary discretion of the Treasury, because, although various attempts had been made to adopt something like a uniformity of proceeding, yet, when the system of fluctuating salaries was once admitted, it became extremely difficult to adopt any principle upon which the amount to be paid in different cases should depend. The Treasury, in their Minute, had themselves repudiated the idea at first suggested, that the amount of fees should form the sole measure of the salary to be given. The next test proposed was the number of causes tried; but the mere number afforded no test of the relative importance of the causes. Again, it was said that the collective amount involved in the causes tried should be taken as a guide; but it by no means followed that those causes which were pecuniarily of the most importance should be so in a legal point of view; because cases of a comparatively small amount might turn upon very complicated arguments, and furnish important precedents, while others of a large amount might be easy of solution, and involve no legal difficulty. The only remaining test was the number of days which each Judge sat, and the amount of travelling which he had to do. It was evident, however, that that of itself must afford a very insufficient criterion of the amount of work done, and of the value of a Judge's services. Taking all these tests together —the amount of fees, the number of causes tried, the number of days that a Judge sat, the amount of travelling that he did, and the aggregate sums sued for—some kind of vague and rough estimate might, perhaps, be formed of the importance of the labours of the different Judges; but, in any case, that estimate must necessarily be so vague and so rough that it could not altogether take from the judgment of the Treasury that character which now attached to it of being arbitrary in its application. He did not say that favouritism and partiality actually prevailed; but the suspicion of them was almost as bad; and that would always exist so long as the principle of graduation was persisted in. Under these circumstances, he thought that the power of arbitrarily raising these salaries should not be left to the discretion of the Treasury, but that the salaries should henceforth be fixed by Act of Parliament, and should be equal in amount. Then came the question what that amount should be; and that was one which might be better answered by an appeal to common sense and a reference to the salaries given in analogous cases than by argument. The present state of things was this — that, while of the sixty Judges the great majority received only £1,200, there were some to whom £1,500 was allowed, besides two receiving intermediate sums. It was clear that the highest paid could not be reduced; the alternative was to raise the rest to their level. If authorities on the subject were required, however, he might cite the opinion of the noble Lord at the head of the Government, who, when Home Secretary, said that he was inclined to think that the application of the rule proposed was by far too narrow, and that the maximum salary should be much more extensively granted, if not extended to all cases. Lord Brougham, again, had expressed his opinion that it was most inconsistent with the character of the judicial office and with the due administration of justice that the Judges should be paid, as it were, by "piece-work," for it was manifest that the same high qualifications, the same talent, the same industry, integrity, and high sense of honour were required in all Judges alike. In that opinion Lord Campbell and the Lord Chancellor had concurred; indeed there appeared to be among the heads of the legal profession but one opinion with regard to the propriety of laying down some definite rule on the subject, of adopting a uniform rate of payment, and of raising that rate to the maximum now granted. The business of the County Courts was increasing daily, the tendency of their legislation was to throw fresh duties on these Courts, and it was desirable that nothing should be left undone to increase the public confidence in them. The question was, not whether men might not be found to take the duty at a lower rate, but whether those men were fully qualified to discharge it. The duties of the Judges were onerous, and involved an amount of physical labour which rendered it injurious to select men advanced in years. But if they chose comparatively young men, they must compensate them, not only for the practice which they actually relinquished, but for that increased practice which they would expect if they remained longer at the bar; and every professional man was apt to overrate his chances of success. The County Court Judges sat in most cases without appeal; they had no long vacation; many of them sat from 180 to 200 days in the year; the labour of their office was not inferior to that of a barrister in large practice, and they had no promotion to look to. Under these circumstances, £1,500 a year was not too much, especially as the physical labour of travel was generally greatest in those districts where the amount of business was least. Upon those two grounds, then—first, that in his opinion the salaries of the County Court Judges should be fixed and certain, and, secondly, that they should be uniform, he had great pleasure in seconding the Resolution.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, That She will be graciously pleased to give directions to the Lords Commissioners of Her Majesty's Treasury, in order to maintain the dignity and independence of the County Court Judges, to cause to be paid to the said Judges a Salary equal in amount to all, and permanently fixed at £1,500 a year, being the maximum Salary which the said Lords Commissioners are empowered by Act of Parliament to assign to them."

SIR GEORGE GREY: I very much regret, Sir, that the discussion of this subject should have been mixed up with questions of a personal nature, not indeed by the noble Lord who has just sat down, but by the hon. and learned Gentleman who has proposed this Resolution; and I wish, before my hon. Friend rises to give that satisfactory answer which I am certain he will be able to give to the charges which have been made against him with so much bitterness by the hon. and learned Member for Sheffield, to state the course which the Government has thought it to be its duty to adopt with regard to this subject. In so doing I shall carefully abstain from saying one word with regard to those personal charges, and I will simply state the decision of the Government after a careful consideration of the question upon its own merits. The noble Lord (Lord Stanley) has correctly stated that upon the establishment of County Courts the Judges were paid by fees; but he was not so accurate when he stated that the Government, when they found that the fees exceeded the amount anticipated by them, put an end to that system of payment and substituted salaries. The fact is that the original Act contemplated payment by salaries rather than by fees; but, as at that period there existed no experience as to the amount of fees which might be received, it was arranged that the Judges should receive fees at first, and it was provided that the Treasury should have the power of afterwards commuting them for salaries. After a time it was evident that the incomes of the Judges from the source of fees were very unequal, some receiving an amount that far exceeded due remuneration, while others received amounts totally inadequate; the payment by fees was therefore commuted into payment by salaries of £1,000 a year. At that time I held an opinion—and I have never since seen reason to alter it—which is embodied in the Resolution now before the House, namely, that the rate of payment should be uniform. At a subsequent period, namely, in 1852, by the Bill for amending the County Courts Act, introduced by the right hon. Gentleman the present Chairman of our Committees of Ways and Means, it was proposed that the salaries of the Judges should be raised to a maximum of £1,500 a year and a minimum of £1,200, and that proposal was assented to by Parliament and by the Government of that day (the right hon. Gentleman the present Member for the University of Cambridge being Home Secretary), on the express understanding that there should not be an uniform payment of £1,500, but that £1,500 should only be paid in those cases in which it might seem to those persons in whose hands the decision was left that that salary was fairly earned by the labour performed; so that Parliament imposed upon the Treasury the duty of making the distinction in the salaries of the Judges; and that department did not, as assumed by the hon. and learned Gentleman, take it upon themselves. I think that it would have been better to have at first absolutely fixed the amount of the salaries, because, notwithstanding the care and trouble which may be taken in considering, not the merits of the Judges—because in merit all ought to be looked upon as equal—but the labour imposed upon them, it is impossible to avoid creating dissatisfaction in the minds of those whose salaries may be fixed at the lower rate. Owing to the complaints which have been made by Judges who have felt, and not unnaturally, that they were wronged by being placed in a category different from others, the subject is one which has been fully considered by the Government, and we have approached the consideration of it with no narrow feelings of prejudice against the County Court Judges, for we fully recognise the value of their services—a value proved by several years of experience; and I can also say that the Government are of opinion that it would be ill-judged economy to pay those gentlemen in a manner that would not be adequate to secure the services of men of sufficient qualification, or which would not place them in that social position which they ought to occupy. A Commission was appointed some time ago to inquire into the operation of the County Courts, and a Bill embodying many of the recommendations contained in the Report of that Commission has been laid before the other House of Parliament. In considering that Bill the attention of the Government has been directed to the question of the salary, and in the Bill to which I have referred we do recognise the principle that the salaries of judicial officers should be fixed and secure, and not varying or dependent on the discretion of the Treasury, and we have therefore proposed that the provisions of the Act of 1852 should be altered. The next question which arises is, whether or no these salaries should be all equal. Now, to say that they should all be made equal at once, is tantamount to saying that every County Court Judge shall receive £1,500 a year. But, looking at the nature of the duties performed, the question as to what would be a fair salary if we were to commence *de novo* has been fully considered by the Lord Chancellor, whose opinion from his position is entitled to the greatest weight, and he has arrived at the conclusion that £1,200 a year, in addition to travelling expenses, is a salary sufficiently large to secure the services of the most competent men from Westminster Hall, and to ensure to them the social position proper to them. We propose, therefore, in that Bill to fix the salary at £1,200 a year, in addition to travelling expenses; but we do not propose to take away from those Judges who have now a larger salary the sum above £1,200 which they may possess during their tenure of office. I have now stated the course which the Government have felt it their duty to adopt, and the reasons which have actuated us. If we have been mistaken, it is for this House to correct the mistake; but as there is a Bill before the other House of Parliament upon this subject, which will come down to this House at no distant period, and as there is also another Bill before the House imposing additional duties on the County Court Judges, I think that this House will be better able, when those Bills come to be considered, to deal with the subject than upon a consideration of the question as now presented, and I hope that the House will be induced to take that course, and not hastily pledge itself to giving to all the County Court Judges a salary of £1,500 a year, in addition to travelling expenses, but to postpone any decision upon the subject. I should, perhaps, state here that the expenses of these Courts have hitherto been defrayed from the fees; but, in accordance with the recommendation of the Commission, the Bill now before the other House proposes that the fees paid by the suitors should be very largely reduced, the effect of which will be to throw a considerable burden upon the Consolidated Fund. The Government had, therefore, to consider what, under these circumstances, would be a fair arrangement with regard to the salaries of the County Court Judges, and they came to the conclusion that they should not be justified in proposing to impose upon the public an additional burden of £15,000 a year, which would be the case if the salaries were raised to the uniform rate of £1,500. No doubt, it would be far more satisfactory to the Lord Chancellor, within whose patronage these appointments come, if the County Court Judges should all receive £1,500; and the Lord Chancellor could therefore have no motive in proposing an inadequate salary for these gentlemen; but the Government were actuated solely by a consideration of what was due to the public. I do not pretend to say that we may not have been mistaken, but I will ask the House not hastily to assume that the payment to the County Court Judges is inadequate, but to decide only after due consideration of the case. Not asking the House to negative the proposal of the hon. and learned Gentleman, by asserting that £1,500 ought not to be given to all the Judges, but only to suspend their judgment until the Bill to which I have alluded comes before them and they are in a position to decide satisfactorily, I beg to move the previous question.

Previous Question proposed, "That that Question be now put."

Mr. MORRIS said, he wished to offer some explanation of the case of the late clerk of the Glamorganshire County Court, who was not any relation of his, though he bore the same name with him. Mr. Morris, to whom the hon. and learned Gentleman (Mr. Roebuck) had referred, was a gentleman of high character and respectability, at the head of his profession in that locality. The pension or annuity which he enjoyed for relinquishing the office was not sought for by himself; but the Government enabled clerks of County Courts to retire upon an annuity, and Mr. Morris consulted with him (the hon. Member) as to whether he should avail himself of that retirement. He (the hon. Member) accompanied Mr. Morris to the Treasury, where they met the hon. Member for Westbury (Mr. Wilson), who offered him a retiring allowance of £400 a year. Mr. Morris at that time had another allowance or pension of £600 a year, which had been given to him upon another account, and he wished to be allowed the £400 a year in addition to retaining that; but the hon. Member for Westbury was inexorable, and would not listen to it for a moment, bnt showed in that so much vigilance on behalf of the public interests, as fully maintained the character which he bore. There was not the semblance of a job, or of anything like corruption in the whole transaction, and he (Mr. Morris) believed that Mr. Falconer, the Judge of the Court, himself rendered to Mr. Morris considerable assistance in carrying it out.

Mr. WILSON said, he was extremely sorry to intrude upon the House in a personal matter of this kind, but he hoped hon. Members would feel that this Motion savoured much more of a private than of a public character. Perhaps, too, the House would be astonished to hear that he had received no intimation of the course which the hon. and learned Member (Mr. Roebuck) intended to take on this occasion; but, probably, after the frequent experiences of other hon. Gentlemen as to the course usually taken by the hon. and learned Member in this House, he ought not to feel surprised, or to complain of this. He (Mr. Wilson) was, however, able to give at once so simple, and, he hoped, so satisfactory an account of this matter, that he thought the hon. and learned Member would find he had taken nothing by his Motion. The speech of the noble Lord (Lord Stanley) had shown the extreme difficulty of the task which had been imposed upon the Treasury by the Act of 1852. There was an erroneous impression that such functions were undertaken at the desire of the Treasury itself, because, wherever discretionary powers were given by Act of Parliament in such matters as this, they must necessarily be reposed in the Treasury. But, in fact, such a discretion imposed upon the department a most onerous and difficult task. According to the County Courts Act of 1852, the salaries of the Judges, as had already been stated, were raised from £1,000 to £1,200 as a minimum, £1,500 being fixed as a maximum. About the end of the year, or in 1853, a pressure was put upon the Treasury, through the Home Office, by Judges, both metropolitan and county, who thought, from the amount of business transacted in their respective Courts, that they were entitledto the maximum salary. In March, 1853, the Home Office addressed the Treasury upon the subject, forwarding fourteen memorials from metropolitan and county Judges. Upon looking into this matter, his right hon. Friend the then Chancellor of the Exchequer (Mr. Gladstone) and himself felt it to be one of such extreme difficulty, involving so many elements of consideration in judging of the duties of the various Judges, that they were disposed in the first instance to refer it to the County Court Commission, then sitting. The Commissioners, however, did not consider that the salaries of the County Court Judges came within the scope of their duties. They (the Chancellor of the Exchequer and himself) then attempted to induce the Lord Chancellor to ask the Commission to take the subject into consideration, but in this also they failed; so that, as they could not obtain higher and better authority than their own in deciding upon this professional question, they were themselves forced to undertake to discover a principle upon which the difference made between the respective salaries should rest. He would state, however, that throughout the investigation he (Mr. Wilson), and he believed the Chancellor of the Exchequer also, were not even aware of the names of the County Court Judges. For himself, he could say truly that, except one single Judge, Mr. Pollock, who presided over the Court at Liverpool, whose case stood out prominently from the others, he did not at that time know the name of one of the Judges with whom they were dealing, because the practice was to deal with the sixty circuits by numbers, so that the names of the Judges never formed a subject of consideration. The whole of the various elements upon which the question of the respective salaries depended was drawn out in great detail. The first element of the comparison was the number of plaints; but it was open to the objection that in populous districts a great number of plaints were opened merely to obtain a settlement of accounts, and did not come to trial. Then the number of trials did not necessarily indicate the importance of the business. The number of days' sittings might be taken; but some of the Judges possessed a greater facility for disposing of business than others, and some, again, willingly underwent the labour of sitting more hours in a day than others did. Again, the amount of the fees did not furnish a satisfactory means of deciding; it was rather an indication of the amount of business entered in the Court, than of the amount of work done by the Judge. The course taken, therefore, was that all these elements were aggregated together, and represented by numbers, in the different cases, and that a list was made of all the Judges, placing at the head of it those who had the highest numbers, representing the aggregate of such elements of services and duties performed, and the fifteen Judges who appeared to have the largest amount of business, tested in this way, were to have the maximum of salary. When the elements he had described were thrown together, the highest was represented by 89,000, and the lowest by 16,000, so immense a difference was there between the amount of business respectively performed by the Judges. The numbers which represented the work done by the first fifteen came down gradually to 49,697, at which point there was a sudden fall of 5,000. The right hon. Gentleman the Chancellor of the Exchequer, therefore, decided that the number of 49,697, representing the services performed by the fifteenth Judge on the list, was the point at which the maximum salary of £1,500 a year should cease. He (Mr. Wilson) believed the right hon. Gentleman had no idea who the sixteenth Judge was, and certainly he had, himself, not the slightest conception that it was any relative of the hon. and learned Gentleman (Mr. Roebuck), nor did he even know that the hon. and learned Gentleman had a brother-in-law in such an office. The Treasury was soon, of course, inundated with communications from those excluded, and amongst them one from Mr. Falconer. In passing the Minute raising the salary of the first fifteen, the Lords of the Treasury felt that there might be some cases which, from individual circumstances, might require further consideration, and a passage was therefore inserted in it directing that, if any such case arose, its claims should be considered. The hon. and learned Member had stated that very soon afterwards more Judges were added to the list of those who were to receive the maximum salary; and he said that No. 16 (being that of his brother-in-law) was passed over, and others below that number were selected. When the hon. and learned Member attempted to make the House infer that Mr. Falconer was passed over because he was his brother-in-law, he did not make the statement in ignorance of what the circumstances really were, because the papers in his possession showed why Mr. Trafford, the Judge of the Birmingham County Court (who was No. 17 on the list), had had his salary increased. After the first Treasury Minute was issued, it was discovered that, in consequence of the abolition of two local Courts, Mr. Trafford's duties had been greatly augmented. Had that fact been known at the time his name would have been included in the first Minute which assigned the maximum salary. The hon. and learned Member further observed that three other County Court Judges had since been advanced to the highest salary—namely, Mr. Addison, Mr. Serjeant Dowling, and Mr. Dinsdale. But why? Since their appointment insolvency cases had been superadded to their duties, which in number had far exceeded those which had come before any other of the County Court Judges. The insolvency cases disposed of in 1854 by Mr. Addison were 714; by Mr. Serjeant Dowling, 294; and by Mr. Dinsdale, 123. Referring to these facts, and to the amount of other business performed by Mr. Addison and Mr. Serjeant Dowling, they were considered entitled to the maximum salary of £1,500, and, considering the extra business done by Mr. Dinsdale, the Treasury assigned to him an intermediate salary of £1,350. The hon. and learned Gentleman had no excuse for making the charge on the ground of No. 16 having been passed over, because several other numbers lower in the list were also passed over before arriving at the circuits of Mr. Addison, Mr. Serjeant Dowling, and Mr.

Dinsdale. The charge of personality, therefore, was entirely unfounded. With regard to Mr. Falconer, he begged to say that he had never seen that gentleman in his life; but, from all he (Mr. Wilson) had heard, he believed him to be a man in the highest degree efficient for discharging the duties of a Judge. Mr. Falconer, like others who felt themselves to have a claim to be paid at the maximum rate, was not to be baulked by the first refusal, and once every six months the Treasury received a voluminous communication from him, as well as from other County Court Judges, urging his claim to the maximum salary. In 1855 he made a renewed application to be placed on the maximum scale, urging as the ground of his appeal that the business of his Court had materially increased. A Treasury Minute was passed on the 23rd of February, 1855, the concluding passage of which was in these terms:—

> "My Lords have given very careful consideration to the claims which, apart from any other special circumstances, have been made on account of increasing business. My Lords are prepared to admit that this is an element which cannot in future be lost sight of, but that any increase of the kind which applies to only one, or even two years, would not be sufficient to justify a change; and that, before an increase of the salary of any Judge should take place on this ground, it should appear that the requisite increase of business to justify it has extended over an average of at least the preceding three years."

At the close of 1855 Mr. Falconer again applied to the Treasury, representing that his duties had still further increased during the period since his former application, and in January of this year that gentleman addressed a memorial to the head of the Government, to the Home Office, and to the Lords of the Treasury, calling attention to the fact that his business had continued materially to increase, and that he thought he might be considered to come within the rule laid down by their Lordships of having attained that average of business for three years which would entitle him to be put upon the maximum salary. In 1849 the number of plaints in his Court was 5,000; in 1855 they amounted to 13,000. In 1849 the amount sued for was £7,000, and in 1855, it increased to £17,000. Mr. Falconer had represented this to the Treasury in December last, previously to his sending the memorial to the noble Lord (Viscount Palmerston) and the Home Secretary. At that time he (Mr. Wilson) had to look into the whole matter, and to draw up a memorandum upon it, and rearrange all the tables for the past year; and he closed that memorandum with the observation that there were now two Courts which he thought might be raised to the maximum salary, one of which was the Court of which Mr. Falconer was the Judge. This at least showed that there had been no negligence on the part of the Treasury as to what was going on with regard to these Courts. When Mr. Falconer's memorial of January came before the Treasury, it had been almost decided that his circuit should be added to the list of those receiving the maximum salary, on the very ground on which he himself put his claim—namely, that his duties had, upon an average of three years, come up to the point fixed by the Treasury Minute. Thus matters stood in the middle of January last. The hon. and learned Gentleman (Mr. Roebuck) had very frequently brought charges against the Government, and particularly against himself (Mr. Wilson), for having excluded Mr. Falconer from the maximum rate of salary on personal considerations. The hon. and learned Gentleman had stated that, because Mr. Falconer was his brother-in-law, he had been precluded from receiving the maximum salary of a County Court Judge. When Parliament met, this matter was brought under discussion in consequence of the Home Office having forwarded to the Treasury a letter which Mr. Falconer had addressed to Sir G. Grey. But when the hon. and learned Member for Sheffield put a notice on the books that he should move for leave to introduce a Bill for revising the salaries of the Judges of the County Courts, and of fixing them at the uniform amount of £1,500 a year, it was impossible that the Government could proceed any further in the matter until that Motion should have been disposed of. If the Government had given Mr. Falconer the maximum salary, any one would perceive that they would have been open to the charge of having done so in consequence of the pending Motion of the hon. and learned Member, it having gone forth a fortnight before that Mr. Falconer had been previously excluded from receiving that salary because he was the brother-in-law of the hon. and learned Member, and that the Government were anxious to conciliate that hon. and learned Gentleman. Under these circumstances, the Government took what they thought to be the right course. They did not alter the intention which they had previously entertained; a Minute was drawn up embodying the purpose they had in view; but they allowed the matter to remain in a state of suspense until the hon. and learned Gentleman should have made his Motion; because, if the Motion were lost, the Government would still have the power to carry out its intention and assign to Mr. Falconer the maximum salary; and if it were adopted by the House, why, then, the Government would only be compelled to do what it had of its own will previously determined to do. When, the day before the Motion was to come on, he (Mr. Wilson) asked the hon. and learned Gentleman—and this affair would be a caution to him how he should communicate with the hon. and learned Gentleman in future—what he intended to do about it; the hon. and learned Gentleman told him that the Speaker said he could not bring it on; upon which he (Mr. Wilson) replied, "I knew that; but I thought you would make a speech on the subject, and I am now at liberty to state to you, with regard to the memorials which Mr. Falconer has sent, and which you yourself have personally supported with the Prime Minister, that the Treasury has passed a Minute, giving him the maximum salary to which he is entitled by the amount of business he performs." Indeed, there was another reason why Mr. Falconer should have the maximum; because the Government were about to add two more Courts to his circuit, on account of the increasing population of the district, besides the amount of business done in Mr. Falconer's Court having come up to what the Treasury considered to be the proper limit. From that conversation till now, he (Mr. Wilson) never had the slightest communication with the hon. and learned Member for Sheffield, and he thought, in common courtesy, the hon. and learned Gentleman ought, if he had intended to put such a complexion on the matter, to have given him some notice. He could only repeat that, in the whole of these transactions, they had been guided by returns made by the proper authorities appointed to preside over this particular part of the business of the Treasury, and he believed that his right hon. Friend (the Chancellor of the Exchequer) knew no more than he did the name of any gentleman to be affected by the decision until some agitation was got up with regard to Mr. Falconer's case. He would now make one observation with regard to Mr. Morris. He was charged, or, rather, the Treasury were charged, with some unusual and irregular proceeding with regard to compensation being given in that case. The circumstances were these. By the Act of 1852, it was enacted that in future every Court should have its own resident clerk. Formerly the clerks travelled with the Judges, and that was found to be inconvenient. It was, therefore, proposed that any clerk who was desirous of giving up any of the existing Courts and keep to one should have compensation for such Courts as he gave up, with the privilege of appointing the persons to succeed him in those places. The Treasury consented to that. Mr. Falconer was a party to the arrangement—nay, more, the arrangement could not be made without Mr. Falconer's consent, because it was for him to appoint fresh clerks, and it was only by his consenting that Mr. Morris was enabled to perform those acts, and therefore it was by Mr. Falconer's own action that this arrangement was made. He was bound to say that something had come to their knowledge within the last week or two that Mr. Falconer would have done well to have informed them of before. They had been informed that money had passed between Mr. Morris and these clerks. They had written for information regarding it, and, when they received it, should act as circumstances might require. He would only add upon the present occasion that he hoped the hon. and learned Gentleman would not retain the idea that the Treasury had been influenced by personal motives in adopting the course which they had.

Sir JOHN PAKINGTON said, he did not propose to enter upon the personal differences between the hon. and learned Gentleman who made the Motion and the hon. Gentleman who had just sat down—his more immediate object was to suggest to the hon. and learned Gentleman the Member for Sheffield whether, after the speech of the right hon. the Secretary of State (Sir G. Grey), it would not be unnecessary to press the Motion to a division? The speech of the hon. and learned Gentleman was very properly addressed to two distinct branches of the question—one as to the propriety of equalising the salaries of the Judges, and the other as to the amount at which they ought to be equalised. The first was, as he (Sir J. Pakington) believed, the more important of the two points, and the right hon. Gentleman the Home Secretary had distinctly announced the intention of the Government to put an end to the difference which had hitherto existed, and to withdraw the invidious distinction now made between some Judges and other of their learned brethren. That was a concession wisely made, and one that was much required. The Secretary of the Treasury in his speech had dwelt upon the variety and number of plaints, and the difficulty of deciding upon the principle of distinction to be adopted. He (Sir J. Pakington) conceived there was not only difficulty in drawing such distinctions, but that positive injustice ensued from them. He had taken the case of four Judges who had been selected to receive the higher salary of £1,500 per annum, and had compared it with that of four other Judges who had been excluded from that maximum salary. He found that while the four Judges with the highest salary had sat in the aggregate 522 days and 2,460 hours, the four Judges not so favoured had sat 671 days and 3,926 hours, and in many more different Courts. That statement proved the unjust results of the course which had been pursued by the Treasury. One of the proudest boasts of this country was the high character for independence of its Judges; but that independence would be jeopardised if the Treasury were allowed to possess a power of drawing distinctions and of exercising patronage of such a nature. Upon those grounds he thought it essential that the present system should cease. With regard to the second point—the amount at which the salaries should be equalised—he would submit to the hon. and learned Gentleman whether, in the present state of the question, it would be worth while to take a division on that point? As there was a Bill before the other House having for its object the equalisation of the salaries of County Court Judges, but at the minimum amount, he would submit that it would be as well to wait until that measure came before them, when it would be competent for the House to increase the amount to £1,500, a step which he was quite prepared to take. He would remind the Government that in the original Act there was not only a power to pay the Judges by salaries instead of fees, but also an indication of what those salaries should be in the provision that they should not exceed £1,200 per annum. At that time the Judges were allowed to retain their private practice, a privilege withdrawn in 1852, when the salaries were increased to £1,200 as a minimum, and £1,500 as a maximum. It had been stated that the Lord Chancellor was of opinion that £1,200 was a sufficient remuneration; but against that opinion he (Sir J. Pakington) would appeal to the noble Lord the First Minister (Viscount Palmerston), who, through the Chairman of Ways and Means (Mr. FitzRoy), had avowed his belief that the maximum salary ought to be more extensively granted, if indeed it was not granted to all County Court Judges. However, prepared as he was to vote with the hon. and learned Gentleman if the Motion were pressed to a division, he thought, under the circumstances, it would be advisable to await the measure which had been announced as coming from the other House of Parliament.

Sir GEORGE GREY explained, that the concession referred to by the right hon. Baronet was not now made for the first time. The Bill which he had mentioned proposed that all the Judges should be paid fixed salaries of the minimum amount now given, excepting only those Judges who were now actually in the receipt of the increased salaries, from whom no deduction would be made.

Sir GEORGE PECHELL disputed the accuracy of the distinction drawn between metropolitan Judges and their brethren in the rural districts. They were not nearly so hard worked as some of the provincial Judges, who were paid lower salaries. He found that while the Judge of the Whitechapel County Court had sat only ninety-eight days, the Judge of the Sussex Court had sat 191 days. He conceived the time had arrived when all such invidious distinctions should be abolished.

Mr. MALINS had derived great satisfaction from the result of the discussion, because he thought the hon. and learned Member for Sheffield had succeeded substantially in the objects of his Motion. He entertained the strongest opinion that there ought to be uniformity of salary, and that the distinction made by the Treasury, though from the best possible motives, was an error of judgment. The Secretary of State for the Home Department having fully assented to the principle that there should be equality of salary, the only other point on which the hon. and learned Member for Sheffield could desire to divide was, the amount of salary. In his opinion £1,500 a year was not too much for the duties required; and when the Bill came down from the other House he should certainly move that the salary be fixed at that sum if the hon. and learned Member for Sheffield did not do so. He concurred in recommending the hon. and learned Gentleman not to press his Motion at the present moment, and he trusted the noble Lord, when the subject was again before the House, would accede to what he was warranted in saying was the general feeling, that the County Court Judges should not receive less than £1,500 a year.

MR. GLADSTONE: I feel compelled to say a few words on this subject in consequence of what has fallen from the hon. and learned Gentleman opposite (Mr. Malins); because, as it appears to me, he has delivered views upon the question entirely contradictory of one another. In the course of his speech he has insisted that the amount of the salaries shall be understood to be a perfectly open question; and if he had stopped there I should have entirely concurred with him. But, so far from leaving the question open and leaving it free to us to express our opinions upon it, he congratulates the hon. and learned Member for Sheffield upon having virtually closed the question and completely succeeded in all his points, including the increase of salaries to the maximum of £1,500 a year. I hope it will be understood that the amount of salaries does remain an open question; and I confess I think it most inexpedient that we should enter upon the arguments with respect to the amount of maximum salary, unless it be clearly understood that those who entertain an opposite opinion from the hon. and learned Gentleman are at liberty to enter, with all details, upon an exposition of the grounds of that opinion. I shall not now enter upon any such exposition, but shall content myself by saying in the most summary terms, that it appears to me the great question is whether, with a reconstruction of offices and an addition of other functions, we ought to make an alteration of salary? But perfectly well knowing as I do the facility of finding fit men to occupy the position, fit men who eagerly seek it, fit men who are delighted at obtaining it—and that, too, when there was no prospect beyond the minimum salary of £1,200 a year—I think the question ought to be kept open for discussion, particularly when it is understood an early opportunity will be afforded, by the introduction of a measure on the subject, of arguing that which is a matter of no inconsiderable importance either to the Judges or to the administration of justice, or to the public, or to the whole body of public servants, every class of which is, of course, powerfully influenced by the steps which the House takes in reference to the salaries of one class. I am desirous that the House should understand clearly the position of the Government with regard to this question. It is assumed that by an arbitrary act the Government introduced the principle of variation into the salaries of County Court Judges. I would join in condemning any such proceeding if that were a true representation of the case; but in point of fact the principle of variation was not adopted by the Treasury; it was distinctly laid down by Act of Parliament. It is perfectly plain, that when Parliament said the Treasury should fix the salary of each Judge at not less than £1,200, and not more than £1,500 a year, Parliament distinctly expressed an opinion — which I confess I think upon the whole an unfortunate opinion—that there were to be variations, and that the Treasury was to attempt to adapt gradations of salaries within those limits to the gradations of duties to be performed. One other word I am desirous of saying upon the only painful part of this discussion—that part of the speech of the hon. and learned Member for Sheffield in which he did not hesitate to impute corrupt motives and conduct to my hon. Friend the Secretary for the Treasury. It appears to me that nothing can be deeper than the interests of this House in the character of its Members, and that charges of this kind are not to be dealt with lightly, thrown out in speeches of hon. Gentlemen and then brought to no issue whatever—neither retracted nor supported. A Gentleman who, making such charges, is prepared to support them, does a public duty in thereby exposing criminal conduct on the part of those in office. I cherish the hope that the words of the hon. and learned Gentleman are hasty words, and that he does not intend to adhere to such charges as he has made. I cherish the hope that he will express himself to that effect in the reply which he will make. Whether he fulfils or disappoints that hope, I am quite certain I express the general feeling of the House when I state my conviction, that there are no grounds for such charges against the hon. Gentleman the Member for Westbury. The hon. and learned Member for

Sheffield seems to think it quite easy to find numbers of men fit to perform the duties of the hon. Member for Westbury. With his magnificent notions, the hon. and learned Gentleman disclaims the idea that the public has the right to be served at the rate of remuneration which belongs to the services it wants. I hold that principle to be the basis for the remuneration of all public officers. Where you do not apply it strictly it is a great misfortune, and if you abandon or throw the slightest discredit upon it, you commit a gross injury to the public, under the pretence of liberality to individuals. The hon. and learned Gentleman says it would be easy to find men to perform the duties of the hon. Member for Westbury at one-half the salary which he receives. I accept the challenge. I do not think it an easy thing to find a man fit to perform those duties, although I know it is not difficult to find many who will say they will do it. I think it would not be easy to find a person who could discharge those arduous duties, and especially in the manner in which they have been discharged by that most upright and most able public servant.

Mr. MALINS explained: He meant to say that the House would be free to discuss this question when it was brought forward, although he believed there was a general feeling in favour of the maximum.

Mr. DISRAELI: I think there is nothing more objectionable than that the feeling of the House relative to the appropriation of the public money should be left to be collected by a desultory debate of this kind. Upon the personal question I have nothing to say, but I believe I express the general feeling of the House when I state that I think the hon. Gentleman the Secretary for the Treasury has answered satisfactorily the charges brought against him. It is fair to suppose also that no hon. Member would make those charges unless he conceived himself justified in preferring them. I think that when an officer of the Government can give so satisfactory an answer to such charges, he has no cause to complain that he is labouring under a great grievance when he is subject to such allegations. I rise, however, entirely and solely with reference to the tone which the debate has taken in regard to the amount of these salaries. Considering the state of the finances of the country at the present moment—considering that we are just terminating a great struggle which has called for great sacrifices and great exertions—and considering that the first duty of the House will be to consider the financial position of the country, I do not think it will be wise, after a debate of this kind, for the House to allow that it is pledged to increase these salaries. I do not pledge myself to any opinion that £1,200 is not a sufficient allowance, and, on the other hand, I do not mean to say that it is sufficient; but I think the House ought not at present to express any opinion on the subject. It may be a legitimate subject to consider whether the County Court Judges ought not to have fixed salaries for a certain number of years, and then increased salaries after a certain length of service. I do not give any opinion on that subject, but that may be worthy of consideration in discussing the salaries of public servants. I only wish to guard myself against being supposed by my silence to give my adhesion to the assertion that the general feeling of the House is in favour of the increase. The state of our finances will necessarily occupy the most anxious consideration of Parliament; and, as we are about to witness, I hope, a reduction of the public expenditure to meet the reduction in the resources and revenue of the country caused by the war, I think it would be most unwise for the House, without due consideration, to pledge itself at the present moment to increase the salaries of public servants. After due consideration, the House may think the claim now preferred to be just; but the House must not be considered pledged to the proposition which my hon. and learned Friend appears to think has been adopted by the House.

Mr. ROEBUCK, in reply, reminded the House that when the right hon. Member for Oxford University (Mr. Gladstone) was Chancellor of the Exchequer he had pointed out fifteen County Court Judges as persons deserving of the maximum salary of £1,500 a year. If those learned gentlemen were entitled to that salary, and if no one was to be appointed to the office who was not equally deserving, it followed, therefore, that all were worthy of the maximum salary. The right hon. Gentletleman the Member for Buckinghamshire had said that we were just at the end of an expensive war, and that it behoved us to be careful of our finances. He hoped the right hon. Gentleman was in the House yesterday, when the Committee of Supply was engaged in sowing broadcast the money of the public, and squandering it on parks, roads, and matters of mere ornament. Yet here was a great question involving the due administration of justice, and the right hon. Gentleman expressed his opinion that it was a case in which the interests of economy ought to be consulted. Surely the right hon. Gentleman could not have been in the House last night. [" Yes."] Well, if he was, it was so much the worse. He (Mr. Roebuck) believed that the House and the country would go with him in favour of the Resolution ; but as the Government had expressed their intention to deal with the subject, and make all the salaries uniform, he would withdraw the Motion.

Previous Question, and Motion, by leave, *withdrawn*.

SCOTCH AND IRISH PAUPER REMOVAL BILL.

MR. BOUVERIE, in rising for leave to bring in a Bill to amend the law relating to the removal of Scotch and Irish paupers, said, in 1854 a Select Committee of that House was appointed to inquire into the operation of the existing law upon that subject. Arising out of the discussion of the general question, or of the removal and settlement of the poor, came the preliminary difficulty of the removal of Irish and Scotch paupers, which was referred to that Committee. The Committee sat during the Session of 1854, and was reappointed last year; they took a great deal of evidence, and finally came to a Report, upon the recommendations of which the present measure was generally founded. The House was, no doubt, aware of the general principle on which poor removals were conducted. Every poor person, whether born in England, Ireland, or Scotland, when he claimed relief from the poor rates on the ground of destitute circumstances, if he were not settled in England, or if he had not resided for five years in the parish where he claimed relief from the rates, was liable to removal—if an Englishman to the parish where he had a settlement, and if an Irishman or a Scotchman to the country of his birth. The Act of Parliament—the Act 8 & 9 *Vict.* c. 117—which dealt with Irish and Scotch removals, was passed eleven years ago, and pointed out a mode of proceeding with that class of paupers totally different from that which was pursued with regard to English paupers. When a Scotchman or Irishman became chargeable to the poor rates, and applied for relief to a relieving officer or an overseer, he was liable to be taken before two justices of the peace without summons. Their duty was to ascertain that he was born in Scotland or Ireland, that he had not obtained a settlement in this country, and that he had not resided for five years in the parish where he claimed relief. They then made an order for his removal, and the pauper was committed to the charge of the officer to whom the warrant of removal was given. In this metropolis, from which, exclusive of Liverpool, the largest number of these removals took place, he was taken to a sort of depôt upon the banks of the river, near Wapping, and periodically, once or twice a week, a lot of these poor persons were shipped off to Scotland or Ireland. Paupers so removed were taken to particular ports specified in the Act, eight in Ireland and nine in Scotland, and there deposited and left to shift for themselves. There was no practical appeal against the decision of the magistrates as to the removal of these paupers, for the nominal appeal given by the Act was so ineffective, that the only attempt which had ever been made to take advantage of it had broken down. The process he had described was not only unnecessarily cruel to the paupers, but was also unjust to the places where they were disembarked; because, in a very large number of cases, the port at which they were landed had no more obligation to maintain them than the parish from which they were sent away. The pauper, necessarily in destitute circumstances, was tumbled out of the steamboat at a place where he probably was as much without the means of obtaining relief as he had been in the parish from which he had been removed, and he therefore had to be relieved at the cost of the ratepayers of that place. It appeared from the last return, that upwards of 5,000 Irish removals had taken place in the year ending in March, 1854, and the evidence taken before the Committee showed, that out of this number about 1,200 applications for relief had been made at the workhouses of the ports in which the paupers had been deposited. The remainder must, therefore, either have begged their way to their homes, or have remained in those parishes in a state of destitution. He did not mean to assert that all Irish and Scotch paupers who applied for relief in England were treated in this manner, for it was right to say that a very large number of Irish poor were relieved by the English parishes without being removed, and it was stated before the Committee that many of the London parishes had made a rule of never applying for orders of removal in such cases. But no doubt the law gave rise to great injustice and hardship, for which the Committee in their report endeavoured to provide a remedy. There seemed to be no reason why an Irish or a Scotch pauper should not be treated in the same way as an English pauper who had no settlement in the parish where he applied for relief, and he accordingly proposed to assimilate the procedure in the manner recommended by the Committee. When a pauper was liable to removal from one parish in this country to another, the parish where he was receiving relief was obliged, before he could be removed, to send a notice to the parish where he had a settlement, together with a statement of the grounds of removal. The pauper could not be removed until twenty-one days after that notice had been given, and the parish to which it was sent was entitled to examine the evidence taken before the magistrates, who had granted the order of removal, and then, if they thought fit, they had an opportunity of appealing to the quarter sessions of the district in which the removing parish was situated against that order. If an appeal were prosecuted, the pauper could not be removed until it had been decided. This system, *mutatis mutandis*, he proposed to adopt in reference to Scotch and Irish paupers. He proposed that if, after investigation, the magistrates should adjudicate that a pauper was a native of a parish or union in Scotland or Ireland, or had resided there for five years before coming to England, notice of his chargeability should be sent to such parish or union; that such parish or union should then be entitled to give notice of appeal, within thirty days, and also to examine the depositions upon which the order of removal was founded; and that if an appeal took place, the pauper should not be removed until it was decided. The pauper would not be turned out at the first port at which the vessel conveying him happened to arrive and left to shift for himself, but would be sent to the workhouse of the union upon which he was chargeable. He had, in substance, embodied the recommendations of the Committee in this Bill, and he trusted that it would get rid of the hardship and cruelty to which the present law sometimes gave rise, and effect a substantial improvement in the administration of the law respecting this branch of the administration of relief to the poor. The right hon. Gentleman concluded by moving for leave to bring in a Bill to amend the Laws for the removal of Poor Persons, chargeable in England, who have been born in Scotland or Ireland.

MR. W. WILLIAMS said, that having had much experience in the removal of Irish poor, he thought the right hon. Gentleman would have much difficulty in finding out the places in Ireland to which paupers belonged. They seldom had any difficulty with English poor, but with regard to Irish they had generally to obtain other evidence. There was, of course, seldom any mistake as to the country; but the difficulty of finding out to what part of Ireland persons ought to be sent would prove almost insuperable. He should not, however, oppose the introduction of the Bill.

MR. VINCENT SCULLY thought that the right hon. Gentleman the Vice President of the Board of Trade might place English and Irish paupers upon the same footing with respect to removal, without the qualification of the words *mutatis mutandis*. He must also remind the right hon. Gentleman that he would find some difficulty in introducing—as his speech implied that it was his intention to do—the law of settlement into Ireland. Such a law would be an entirely new feature in the system prevailing in that country. With reference to the application of the Bill to Scotland he should merely say, that its operation would be very partial, inasmuch as very few Scotchmen were found to be destitute in England, whatever they might be in their own country, nor would he find many instances of a destitute Englishman in Ireland.

SIR WILLIAM JOLLIFFE said, he thought that the Bill was of a somewhat more extended character than the speech of his right hon. Friend would lead the House to anticipate, inasmuch as it was evident from that speech that the right hon. Gentleman meant to introduce the law of settlement into Ireland. With respect to the question of appeal, he should like to know in what way Irish and Scotch appeals were to be tried in this country? He might also observe, that the measure was one of such great importance that it was extremely desirable it should be submitted to the investigation of a Committee of that House. It was only by that means that the complicated details of the subject with which it proposed to deal could be satisfactorily disposed of.

Mr. FLOYER wished for an explanation as to the effect which it was proposed to give to a five years' residence, to which the right hon. Gentleman (Mr. Bouverie) had referred.

Mr. BAINES said, he understood his right hon. Friend to say that, unless an Irishman had, by five years' residence in this country, obtained the privilege of irremovability, he was liable to be removed to Ireland; and that that was the law there would, he believed, be no question. As to the observations of the hon. Baronet (Sir W. Jolliffe), that this Bill would introduce a new principle into the Poor Law in Ireland, he (Mr. Baines) apprehended that such would not be the case. As the law now stood, and had stood since 1845, it was the duty of the justices, before making an order of removal, to ascertain, as far as they could, from what place in Ireland the person to be removed came, and to order his removal to the port nearest to that place. It was, therefore, perfectly clear that it was the object of the Legislature that the pauper should be put in the way of getting as near as possible to that which was the natural place for the relief of his destitution. As to appeals, they would be tried in the same way that English appeals were now tried—at the quarter sessions of the districts from which the paupers were removed; the only difference would be that Irish unions would be the appellants, and English unions the respondents. Some such right of appeal existed under the law as it stood; but at present there were many practical difficulties in the way of working these appeals, and the object of this Bill was to remove those difficulties and to render efficacious what had hitherto been only a nominal remedy. He did not anticipate that the Bill would be of so complicated a nature as to render necessary its reference to a Select Committee. On the contrary, he hoped that its provisions would be very simple, and that it would remedy a great amount of injustice to which Scotch and Irish poor were at present subject.

Mr. KNIGHT approved the Bill, as far as its provisions had been indicated by the right hon. Gentleman, but thought that it would not remove all the evil which was complained of. Something ought to be done to render the acquirement of a settlement in England by Irish paupers more easy. It was very hard that an Irishman or a Scotchman who had resided in England for twenty-five years, during nearly the whole working portion of his life, should not, as regarded the relief of his distress, acquire the same rights in this country as were enjoyed by Englishmen. No measure would do full justice to the Irish poor which did not provide them with a ready means of acquiring a settlement in England. A certain duration of residence—say five years—should be held to confer the right of irremovability; and anything short of this would be inadequate as a measure of relief.

Mr. DE VERE, while commending the Bill and expressing his gratitude for its introduction, denied the accuracy of its description as an embodiment of the recommendation of the Committee which sat last year. That Committee suggested a diminution of the period and an enlargement of the area of residence, two principles which might with great propriety be recognised by the present measure.

Leave *given.*

Bill *ordered* to be brought in by Mr. Bouverie, Sir George Grey, and Mr. Baines.

Bill read 1°.

LONDON CORPORATION BILL.

Sir GEORGE GREY, in moving for leave to bring in a Bill for the better regulation of the Corporation of the City of London, said: Sir, I hope it is scarcely necessary for me to assure the House that Her Majesty's Government approach this subject with no unfriendly feelings towards that great body which will be affected by the provisions of the measure which I now ask permission to introduce. On the contrary, we are sensible that from its great antiquity—from its connection with the metropolis of this country—from its historical associations—and from the services it has at various periods rendered to the cause of civil and religious liberty and of constitutional government, the Corporation of the City of London is entitled to every respect and consideration. The object of the present Bill—an object with which it is to be hoped its effect will correspond—is not in any degree to diminish the importance nor to impair the dignity of the Corporation, but by amending defects in its constitution and in the administration of its affairs, and by bringing it more into harmony with the spirit of recent municipal legislation, to increase its usefulness, to enhance its influence and efficiency, and to render it better adapted to fulfil all the legitimate purposes of its existence.

In dealing with this important question, we have had the advantage of two elaborate Reports—that presented in 1837 by the Commissioners appointed two years previously to inquire into the condition of the municipal corporations in England and Wales, and that more recent one for which we are indebted to the Commissioners to whom, in 1853, was assigned the duty of inquiring into the existing state of the London Corporation, with a view to ascertain whether any measures might be necessary to make better provision for the future government of the City of London. The latter Commissioners were my right hon. Friends the present Secretary of State for the Colonies (Mr. Labouchere) and the present Chancellor of the Exchequer (Sir G. C. Lewis), with whom was associated a learned and eminent individual, who, having for many years occupied, with equal credit to himself and advantage to the country, a seat on the judicial bench, felt it his duty, though then in the full enjoyment of his intellectual powers, to retire when unfortunately afflicted with a physical infirmity. I allude to Sir John Patteson. It is due to the Corporation to observe that these Commissioners put on record at the beginning of their Report their testimony to the readiness which had been evinced by all the authorities of the City to give them the fullest information in their power, and to facilitate the inquiry with which they had been entrusted. Information, both oral and documentary, was most liberally tendered. They say

> "We think it right to state that we found the utmost readiness in all quarters to assist us in the execution of your Majesty's Commission by the communication of facts and suggestions. This readiness was manifested, not only by independent witnesses, who were unconnected with the Corporation, but also by the governing members of the Corporation and by its officers, all of whom willingly came forward to describe their several duties, and to state the facts respectively falling under their cognisance."

I have much satisfaction in believing that the authorities of the City of London and those who represent them in this House will be ready to entertain this Bill in the same spirit in which the Corporation met the Commissioners of 1853. I do not mean to say that they will readily acquiesce in all the proposals of the Bill, but I cherish the hope that they will give to the measure a full and dispassionate consideration, and that they will meet it fairly, with a view to apply such a remedy to the defects in the constitution of the Corporation as may render the body more efficient for the purposes it was originally designed to fulfil. The Commissioners also state in their Report—

> "That, though they have found much which, in their judgment, calls for amendment, they had discovered nothing which could affect injuriously the honour and integrity of the officers to whom the affairs of this great Corporation had been confided."

The Commissioners refer to the Report of 1837 for a description of the constitution and administration of the governing body of the City of London, and call attention to the fact that that Report recommended no legislative measures, but simply pointed out that, as to many of the defects, the remedies could be applied by the Common Council itself. The last Report adverts to the various Acts subsequently passed affecting the Corporation, and to various changes made by the Common Council since the date of the previous Report, in order to carry into effect several improvements; but states that "no substantial or systematic reform of the Corporation had been accomplished" since 1837. With regard to the recommendation they have offered, the Commissioners state that they have taken the leading provisions of the Municipal Corporations Act for a guide, making, of course, due allowance for the peculiar circumstances which distinguish the City of London from other corporations. They state in general terms that the object of the Municipal Act was twofold — contemplating, first, reform of constitution; and, secondly, enlargement, in many cases, of boundaries. As to boundaries the Commissioners give at great length, and with much clearness, their reasons for not recommending that the Corporation should be extended over the whole metropolis, in accordance with the provisions of the Municipal Reform Act in respect of other corporations; but it will not be necessary to quote that portion of their Report, inasmuch as Parliament had already expressed its opinion on the subject by passing the Metropolis Local Management Act of last year. With respect to the constitution of the Corporation, it is right to notice an important distinction between the Corporation of London and the other municipal corporations before they were reformed. The Commissioners of 1853 cite the opinion expressed in the Report of 1837, that—

> "The most common and most striking defect in the constitution of the municipal corporations of England and Wales is, that the corporate bodies exist independently of the communities among which they are found. The corporations look upon themselves and are considered by the inhabitants as separate and exclusive bodies; they have powers and privileges within the towns and cities from which they are named, but in most places all identity of interest between the corporation and the inhabitants has disappeared."

Such was the description by the Commissioners of 1837 of the general state of the corporations previous to their reformation. The Commissioners of 1853 go on to say—

> "From the defect described in this passage the Corporation of London has for many years been exempt. The manner in which the Common Council is elected has produced to a great extent an identity of interests between the governing municipal body and the existing municipal community, and has secured to the latter a council representing their general opinions and feelings. The Municipal Commissioners particularly advert to the Common Council of London as distinguishing that Corporation from the close corporations which then prevailed throughout the country."

I shall now shortly state what is the present constitution of the Corporation of the City of London, taking as my guide the Report of the Commission of 1837, since which date that constitution has undergone no material alteration. The existing governing bodies are—first, the Court of Aldermen; secondly, the Court of Common Council; and thirdly, the Court of Common Hall. The Court of Aldermen is composed of twenty-six members, including the Lord Mayor, twenty-five of whom are elected for life, twenty-four being chosen by the freemen householders of the different wards, rated at the annual value of £10 or upwards. Each of the twenty-four wards elect one Alderman, two other wards of a smaller size being joined together for the purpose of electing another, and the twenty-sixth Alderman is not elected at all, but represents, in a nominal sense only, the borough of Southwark. The Court of Common Council consists of the twenty-six Aldermen, and 206 Common Councilmen, the latter being elected periodically by the ward constituencies. The Court of Common Hall is composed of the freemen, who are also liverymen of the several companies; ten Aldermen also forming part of it. The Lord Mayor presides over each of these three courts. Having stated the composition of these bodies, I must next describe their functions. The Court of Aldermen forms the magistracy of the City of London; but, independently of its magisterial character, it tries the validity of certain elections, including those of the Aldermen and Common Councilmen, has the power of expending money, appoints functionaries and licenses brokers—thus uniting magisterial, judicial, and legislative authority, the last being exercised by them as members of the Court of Common Council. The Common Council, which is the legislative body of the Corporation, dispenses money, manages the landed property, and elects most of the officers of the Corporation. The Court of Common Hall is chiefly confined to the election of certain officers. The Lord Mayor is elected in the Common Hall from such Aldermen as have served the office of sheriff, the Common Hall returning two names, and the Court of Aldermen selecting one. The sheriffs are elected in the Common Hall. There are twenty-six wards of very unequal sizes in the City. There are sixty-nine municipal companies or guilds, admission to which constitutes a freeman; but the freedom may now be obtained directly without the intervention of the companies. The freemen are divided into liverymen and non-liverymen: freemen enjoy exemption from certain tolls and the exclusive right to exercise certain trades—liverymen enjoy privileges which other freemen do not possess, the former alone being members of the Common Hall.

Having thus explained the existing constitution of the Corporation according to the Report of the Commission of 1837, I now come to the provisions of the Bill which I shall ask leave to lay on the table. Those provisions are mainly, though not exclusively, founded on the recommendations of the Commissioners. The general scope of the Bill is, first, to reform the constitution of the Corporation and of some of the courts and jurisdictions within the City; secondly, to abolish certain customs now in force within the City which are injurious to trade and industry—customs which have been abolished in other corporate cities and towns by the Municipal Corporations Act; thirdly, to divest the corporate body of anomalous powers, of which, in the opinion of the Commissioners, some should cease altogether, while others should be transferred to bodies better qualified to exercise them. The main governing body of the City will still remain as it now is—that is, it will consist of the Lord Mayor, the Aldermen, and the Commons in common council assembled, in other words, the Common Council, the Lord Mayor, and the Aldermen being members of it. But the numbers and constitution of its several parts it is proposed to alter materially. In the first place, we propose, in conformity with the recommendations of the Commissioners, to reduce the wards from twenty-six, their present number, to a maximum of sixteen; and also to render them more nearly equal in area and population. We further propose that one Alderman and five Common Councilmen shall be elected by each of the sixteen wards, making altogether ninety-six members, instead of 232, the existing number. Sixty-four, I believe, is the largest number allowed for any council constituted under the Municipal Corporation Act. The Commissioners appointed in 1837 concur with those appointed in 1853 in the decided opinion that the present Common Council of the City of London is far too large for the purposes for which it exists, and ought to be considerably reduced. An important change is also contemplated in regard to the Aldermen. In lieu of their being elected for life, we propose that they shall be elected for six years, and that one-half of the entire body shall retire at the end of every three years. By the Bill the Common Councilmen will continue, as at present, to be elected annually; and the qualification of Common Councilmen will be the same as in other corporations—that is, possession of real or personal estate worth £1,000, or rating to the annual value of £30. The existing qualification of freedom of the City, as now acquired, will be dispensed with. The constituency of the Common Council will likewise be materially altered and extended. The voter in a ward election must at present not only occupy a tenement in the ward rated at £10, but he must also be a freeman of the City, and on the Parliamentary register of voters for the City, which makes it necessary that he should reside within seven miles; the condition of residence for three years within the borough or within seven miles of it is also required by the Municipal Corporations Act; but, as the Commissioners observe, the condition of residence is unsuited to the special circumstances of London, and it is proposed to dispense with it, as well as with the condition of freedom of the City, which, in the words of the Commissioners, has the effect of "narrowing the constituency without elevating its character." The franchise which we propose for the wards agrees with that contained in a Bill which originated with the Corporation itself, and was presented to Parliament in the year 1852, but was opposed by the livery companies, and thrown out by the Select Committee of the House of Commons. The Commissioners propose that

> "The Common Council, with reduced numbers, and an enlarged and improved constituent body, be entrusted with the election of all the superior paid officers of the Corporation. This, they say, is in accordance with the scheme of the Municipal Corporations Act as applicable to other corporations of the General Municipal Act, and we see no reason for thinking that it is unsuited to the circumstances of the City."

In accordance with this general recommendation, the Commissioners recommend, and the Bill proposes, that the Lord Mayor, the sheriffs, the recorder, and other officers, now elected by the Court of Common Hall or Court of Aldermen, shall henceforth be elected by the Common Council. It is further proposed that the choice of Lord Mayor shall not be restricted to Aldermen who have served the office of sheriff, or even to Aldermen at all or to members of the Common Council; but that any person shall be eligible for the office of Lord Mayor who is qualified to be a Common Councilman. An opportunity, as the Commissioners justly observe, will be thus afforded of electing persons of commercial eminence and influence connected with the City, although they have not obtained an alderman's gown. It is also proposed that the qualification of the sheriffs shall be the same as that of the Common Councilmen. The Commissioners recommend that the election of auditors should be amended. The auditors are now four in number, and are elected in common hall by persons qualified to be Common Councilmen, and must be freemen. They hold office for two years, there being an annual election of two, the two who have been longest in office retiring. Under the Bill three auditors will be annually elected from among the persons qualified to be Common Councilmen by the persons entitled to vote at the ward elections, but no Common Councilman can be also auditor; and provision is made for the audit of the chamberlain's and the bridgemaster's accounts half-yearly, and for the transmission of statements of the same once a year to the Secretary of State, who is to cause an abstract of such statement to be laid before Parliament. These enactments as to election of auditors and as to the accounts correspond with the Municipal Corporations Acts. The provisions of the Municipal Corporations Acts restraining the charging or alienation of the corporate property are by the Bill extended to the City of London. As to the Court of Aldermen, it is proposed by the Commissioners, and the Bill carries that recommendation into effect, that the Court of Aldermen, as distinct from a magisterial court, shall be abolished, and its multifarious powers transferred to the Common Council. With regard to the City courts, the Bill proposes substantially to carry into effect the recommendation of the Commissioners. This is a part of the subject which, I believe, provokes little, if any, difference of opinion. One of these courts is the Court of Hustings, which the Commissioners say is practically obsolete, and can be made available for no good purpose. This tribunal the Bill will entirely abolish. The Commissioners also recommend the consolidation of the Lord Mayor's Court and Sheriffs' Court into one Court. This the Bill in effect does—except as to the jurisdiction which the Sheriffs' Court has under the City Small Debts Act—by abolishing the ancient jurisdiction of the Sheriffs' Court. It also abolishes the appeal to the Court at St. Martin's-le-Grand, in pursuance of the Commissioners' recommendation. This Court, the Commissioners say, "is very seldom called into existence, and is a very cumbrous and inconvenient tribunal." It is a Court called into existence, *pro hâc vice*, by application to the Court of Chancery, whence a commission issues to certain persons, usually Judges of the Superior Courts of law at Westminster, to review the judgment of the Lord Mayor's Court. For this proceeding a simple appeal to the same Courts — that is, the common law Courts at Westminster—and of the same nature as that given from decisions of County Court Judges, is substituted. The Bill also provides, in accordance with the Commissioners' recommendation, that the Recorder shall be the sole Judge of Lord Mayor's Court, instead of being, as now, merely the assessor of the Lord Mayor. It enables the Common Sergeant, however, to hold the Court in the absence of the Recorder, or when the office of Recorder is vacant. With regard to the Central Criminal Court, it is proposed that the Lord Mayor and the Aldermen shall cease to form an essential part of that tribunal.

I now approach a most important branch of the subject, where, again, the Bill follows pretty closely the recommendations of the Commissioners. I allude to the exclusive rights of trading possessed by freemen of the City. In treating of this question the Commissioners advert to the principle established by the Municipal Reform Act, namely—

> "That notwithstanding any custom or bylaw of a Corporation, 'every person in any borough may keep any shop for the sale of all lawful wares or merchandises, by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft, for hire, gain, sale, or otherwise, within every borough.'"

The Commissioners proceed to say—

> "We propose to extend this enactment, both in its letter and its spirit, to the Corporation of London. It appears to us that if the Legislature has thought fit to abolish the trade privileges and monopolies which were possessed by the country corporations, the same measure is applicable, on still stronger grounds, to the same class of privileges and monopolies in the City of London; inasmuch as the latter is the great centre of English commerce, and it is therefore peculiarly important that all the operations of trade should be freed from needless and vexatious restrictions within its limits."

And they recommend that all laws and acts of the Common Council prohibiting persons, not being freemen of the City, from carrying on any trade, retail or otherwise, or from using any art, occupation, or handicraft within the City, be repealed and abolished. In this recommendation, it would appear from the resolution they have lately passed with regard to reform in the City, the Common Council have expressed their concurrence; and, in accordance with that recommendation, the Bill proposes to abolish all exclusive rights of trading, or, in other words, all rights prohibiting persons, not freemen, from trading within the City. It is also proposed to abolish other rights which, though they do not come within the letter of the Municipal Reform Act, are yet within its spirit, the abolition of which is likewise recommended by the Commissioners. The first of these is the right of metage of all grain, fruit, wares, and merchandise brought into the port of London. This right is exercised by usage confirmed by a charter of James I., and it is not confined to goods landed within the limits of the City, but extends to all goods landed on either side of the river from Staines, in Middlesex, to Yantlet Creek, in Kent. The claim of the City to this right has been disputed, but the suit has never been brought to an actual decision. Something in the nature of a compromise, I believe, took place, by which the exercise of the right was made less onerous to the parties interested. The Bill also proposes to abolish the monopoly of the porterage of grain and other measurable articles within the port of London, at present exercised by the fellowship of porters. It is also proposed to abolish all tolls on carts not belonging to freemen passing through the City; and here, again, I may say that the Common Council has been beforehand with Parliament in concurring in this recommendation; and even before the issue of the last Commission, I believe, it was stated to be the wish of the Corporation that this toll should be abolished. It is proposed, further, to repeal all enactments requiring brokers to be admitted by the Court of Aldermen, and payment by them of £5 annually to the Corporation; and also to repeal the restriction on the grant by the Crown of any market within seven miles of the City. These are all rights which it is proposed to abolish which interfere with trade; and looking to the spirit of our recent legislation—to the course which has been taken with regard to other municipal bodies, and to the great advantage which must be derived by all persons trading in the City of London from the abolition of these rights—and looking, moreover, at the spirit evinced by the Corporation of the City not to insist upon these rights, but to abandon such of them as are felt to be onerous, I think we may fairly anticipate that these provisions of the Bill will meet with the approbation of the House.

It is further proposed, as recommended by the Commissioners, to regulate certain rights at present existing between the City of London and the borough of Southwark.

There is one matter of difficulty and importance connected with the tolls levied by the City of London to which I must now call the attention of the House—it is the coal duties. In page 19 of the Report of the Commissioners, will be found a very elaborate and clear statement of the nature of these duties, of the terms for which they are levied, and of the charges to which they are subject. It is too long to read now, but I will briefly state its substance. These duties are three. There is, first of all, the 4*d.* duty, which now consists of a duty of 4*d.* per ton, but which, in 1862, will become a duty of 4*d.* per chaldron, in which form it would be a permanent duty, having been conferred on the Corporation in exchange for a right of metage of coal now abandoned by them. It amounted in 1852 to a net sum of £54,141. I should state that that duty is very heavily charged; for while the Corporation has collected these duties it has devoted them to metropolitan improvements—not metropolitan merely as applied to the narrow limits of the City, but spread over the whole area of the metropolis; it does not appear in any way that the Corporation has shown a disposition to make a bad use of these coal duties. This 4*d.* duty is now charged with a principal sum of £580,000 for the Cannon Street improvement, together with a compensation allowance to sea-coal meters of some £7,000 or £8,000 a year. The second of these duties is the 8*d.* duty, the net produce of which, in 1852, was above £113,000. This sum, together with an annual payment of £11,500 from the City's estate, a small duty on wine, and some other petty sources of income, constitutes a fund denominated the "London Bridge Approaches Fund." This fund is subject to an annual charge amounting to about £12,200. The 8*d.* duty is not a permanent duty. It will expire in 1862; but it is calculated that before that period the charges to which it is liable will have been discharged from its proceeds. There remains the 1*d.* duty, making a total of 13*d.* per ton levied by the Corporation on coals. This 1*d.* duty amounted, in 1852, to £14,397, and the whole of this sum, subject to a small charge for collection, is payable to the Commissioners of Works for Metropolitan Improvements. This duty also expires in 1862. In considering these duties, one material fact must be borne in mind; they are not levied upon coals brought strictly into the City of London, but on an area very far beyond it—upon all coals brought either by land or by water into a district extending twenty miles in all directions from the General Post Office—

> "The coal duty district," say the Commissioners, "exceeds in size the metropolis of the Registrar General, the district of the Commissioners of Metropolitan Police, of the Metropolitan Commissioners of Sewers, and the metropolitan district of the Postmaster General, and its

extent would be great even if the limits of the London Corporation were conterminous with those of the existing metropolis."

They then go on to say—

> "The collection of all the three classes of duties is conducted by the Corporation; but, inasmuch as the Corporation directly represents only a small portion of the metropolis, Parliament has made it a mere trustee with regard to 9-13ths of the amount, and this portion is applied by it to specified purposes of general metropolitan utility."

They state that, for reasons similar to those which induced them to recommend the abolition of the metage dues, they think that the present arrangement, by which the Corporation levies a duty on coals over a district extending twenty miles from the General Post Office, ought not to be continued. In a subsequent part of the Report will be found other recommendations with respect to these duties; but in this instance the Bill will not correspond with the recommendations of the Commissioners. The Commissioners recommend that these duties should be taken away from the City altogether, and placed in the hands of the Metropolitan Board of Works, to be applied by that Board to the same general purposes to which they have been applied in the hands of the Corporation, subject, of course, to the charges which already exist, and which have been created with respect to these metropolitan improvements. In dealing with this subject the Government have come to the conclusion that simply to transfer these taxes from the Corporation of the City to any other body within the precincts of the metropolis would leave untouched the great grievance of the imposition of this tax upon persons who derive no benefit whatever from the manner in which it is appropriated. It should also be remembered that, in sanctioning the appointment of the Metropolitan Board of Works, Parliament has given to that Board the power of raising money to defray the expense of any improvements it may undertake in the usual way in which other Boards of that nature raise money—by means of rates imposed on the persons who are to benefit by these improvements. The decision to which the Government has come, then, with respect to these coal duties is, not to propose any renewal of the 8*d.* and 1*d.* duties, which will expire in 1862, it being calculated that the charges to which they are liable will be liquidated by that time, and to keep up the 4*d.* duty only so long as may be necessary to liquidate the charge of £580,000, and the other charges upon it, and then to allow it to expire.

The next point to which I come is the conservancy of the river Thames, which is at present vested in the hands of the Corporation. The duties of conservancy extend from Staines to the waters of Yantlet, at the junction of the Thames with the Medway. They are divided into two branches—those above and those below bridge—and both branches are exercised by a Committee of the Common Council, called the Thames Navigation Committee, and are regulated by various Acts of Parliament. It is proposed in the Bill to place the conservancy of the river in the hands of a Board, consisting of the Lord Mayor, the First Lord of the Admiralty, the President of the Board of Trade, one of the Commissioners of Woods, and the Deputy Master of the Trinity House, who would have power to employ persons having the requisite professional knowledge for performing the duties of the conservancy under their general direction. I should say that no net revenue is derived by the Corporation from the conservancy of the Thames. There is now a question at issue between the Corporation of the City and the Crown with regard to certain rights along the banks and shores of the river; but the Corporation themselves state—and I believe with perfect truth—that the proceedings now pending in Chancery are not at all connected with the exercise of rights of conservancy. Those proceedings refer to rights claimed by prescription, independently of any rights of conservancy; and the claim is disputed by the Crown. I believe the questions which are the subject of litigation will be determined by the courts of law at a very early period, and it is not proposed by this Bill to touch those questions. If the City succeeds in the suit, it will be left in the possession of its rights and property. If the Crown succeeds, it will obtain possession of those rights and property as if this Bill had not been passed. All that the Bill proposes shall be transferred in respect of the conservancy of the river are, those tolls and dues which are now collected by the City, not as a source of revenue to themselves, but to meet the expenses of the conservancy, and these will be handed over to the body in whom the conservancy of the river will in future be vested. The Bill further proposes to abolish the exclusive rights of the Company of Watermen to navigate the Thames between Yantlet Creek and Windsor, but prohibits persons not now authorised to carry passengers from doing so without a licence from the Board of Conservators established under the Bill.

The next subject to which I shall advert is that of the police; and here, again, the Government have determined not to act upon the recommendations of the Commissioners, not from any doubt as to the general expediency of those recommendations, or the correctness of the theory upon which they are founded, but from considerations which I will briefly explain. The Commissioners recommend that the City police should be incorporated with the metropolitan police; and they found that recommendation on considerations of efficiency and economy. If there were no police force now existing in the City of London, I think there can be no doubt that it would be right for Parliament to adopt the recommendation of the Commissioners, and not to except a small portion of a large metropolitan district from the general superintendence to which the police force of that district is subjected. There is no doubt an anomaly, as the Commissioners point out, in leaving the police of the small area within the limits of the City under a separate management and control from that of the metropolitan police force, which is spread over a very large area, completely embracing the City; but the anomaly applies to the existence of a municipal corporation within that limited area, rather than to that which may be considered as the almost necessary consequence of the existence of such a Corporation—the possession of those powers with regard to a police force which it is proposed to leave in the hands of the Corporation of London. If this were a new claim made by the City of London, I think there would be no reason for entertaining it; but we find that, under the powers of an Act of Parliament passed some years ago—in 1839—a most efficient body of police was established, which has since been in operation under the control of a very able and efficient Commissioner; and, although I will not say that no inconvenience has arisen in practice from the existence of the City police as altogether distinct from the metropolitan police, I will say, from the considerable experience I have had, that no inconvenience of a serious character has been felt. Harmony and co-operation have existed between the metropolitan and the City police, and between the Government and the authorities of the City of London. The utmost readiness has always been displayed by the authorities of the City to listen to any suggestions which have been made by the Government with regard to the employment of the police, and, whenever it has been thought necessary to strengthen the police force within the City by reinforcements from the metropolitan police, the arrangement has been readily acquiesced in by the authorities of the City, and perfect harmony has existed between the two bodies. While I admit, then, that in theory it would be far better to place the whole police force of the metropolitan districts under one general system of management and control, still, as there exists within the narrow limits of the City a Corporation of great dignity and importance, and possessing great influence and power, I think a strong case of practical inconvenience should be established—stronger than any which I am prepared to say has yet arisen—to induce Parliament to leave that Corporation in a position in which no municipal corporation in the country is placed—namely, without any police force under its own management. We do not, therefore, propose to make any alteration with regard to the City police, which will be left as it now stands. I must say, however, that this is no precedent for an appeal which, as I learn from the newspapers, is to be made to me at an early period by public bodies created under the Metropolitan Management Act of last Session, who desire to have the control of the police within the limits of their respective jurisdictions. I think the greatest inconvenience would arise from breaking up the metropolitan police into small sections, and placing them under the control of these local bodies. In conceding to the City of London the retention of a power which it has hitherto exercised, and which of late years it has exercised well and efficiently, we are constituting no precedent whatever for a claim which I think the Government could not for a moment entertain, and which I do not believe that Parliament would be disposed to concede.

There is one other point with regard to which the recommendation of the Commissioners is not strictly adopted in this Bill. I have alluded to the Court of Aldermen as a court of magistrates, the duties which they perform under the title of the "Court of Aldermen" being not, strictly speaking, magisterial. There is no doubt that the magisterial duties of the Aldermen of London have hitherto, generally speaking, been extremely well performed. The Commissioners themselves refer to the manner in which the Aldermen have discharged the duties connected with the inspection of prisons. While Aldermen were elected for life, there could be no objection to their acting as magistrates during the whole period of their tenure of office; but, if it is deemed necessary, in accordance with the general principles applied to other municipal corporations, to reduce the term during which Aldermen of the City hold office from life tenure to a short period of years, and if Aldermen are eligible for re-election at the expiration of the six years for which they are originally appointed, I think it would be most objectionable to allow them to act as magistrates — using the term in its fullest sense—during their tenure of office as Aldermen. The Commissioners of 1837, alluding to this subject, observed, that the continual re-election of magistrates by a popular constituency was a violation of a principle hitherto almost universally recognised in this country. I am not aware of any case in which such election of magistrates now occurs, except in the case of the mayor of a borough, who is a magistrate during his year of mayoralty, and during the year following his retirement from office; but none of the aldermen of municipal corporations are necessarily magistrates. The Commissioners of 1837 did not contemplate the permanent retention by the Aldermen of the City, under a new constitution, of their ordinary criminal jurisdiction, but they proposed that the City of London should be empowered to apply to the Crown, as is done by other corporations, to appoint a stipendiary magistrate, who should exercise police jurisdiction within the limits of the City. The Commissioners anticipated that if one or more police magistrates should be appointed, the Aldermen would retire from the discharge of police duties, and would confine themselves to those duties which may be termed civil duties, similar to those which are performed by the aldermen of other corporations. I do not wish, however, to leave the matter in this position. The City of London might not think it right to apply for the appointment of police magistrates, or, if police magistrates were appointed, the Aldermen, retaining their magisterial character to its full extent, might not be inclined to retire from the exercise of their functions, and might insist on exercising a police jurisdiction co-ordinately with the stipendiary magistrates. After fully considering the subject, we propose in this Bill that the Aldermen of the City shall be magistrates only for the discharge of that civil business to which I have adverted; that the City shall be thrown into the metropolitan police district for the purposes of the Police Courts Act, though not for purposes of police; and that either a new police district shall be created consisting of the City, or that the City shall be thrown into the general metropolitan district, so that criminal police jurisdiction may be exercised by stipendiary magistrates, as throughout the metropolitan district. The Aldermen of the City will be placed by this arrangement precisely on the same footing as the magistrates of the county of Middlesex, who are excluded from criminal police jurisdiction, but who perform with great advantage to their fellow-citizens and to the public civil duties—such as the care and inspection of prisons, asylums, &c., similar to those which have hitherto been so well discharged by the Aldermen of London.

There is one other subject with regard to which the recommendations of the Commissioners are not carried into effect by this Bill—I allude to their recommendations with reference to the Irish Society. Those recommendations are rather general and indefinite. The subject is one to which a good deal of attention has been paid, but which requires much more consideration than it has yet received before we can propose to Parliament arrangements respecting the Society. It does not necessarily form part of the present Bill, and I think the affairs of the Irish Society may more usefully be dealt with in a separate Bill, and we therefore propose to reserve the subject for future consideration.

I have now stated the principal provisions of the Bill which I shall ask leave to introduce. I am sure the measure will receive the calm and dispassionate consideration of Parliament; and I anticipate, from the communications I have had with gentlemen connected with the City of London, that they will give fair consideration to the different proposals which it involves. I shall afford ample time for considering the details of the Bill, for I felt it my duty to refuse a request that the Corporation of the City might be allowed to see the measure before it was submitted to Parliament, because I thought it right to follow the ordinary course, and in the first instance to explain the measure proposed by Her Majesty's Government to this House. With the disposition which the City have hitherto evinced, and which I hope they will continue to evince—with the disposition which I doubt not will be entertained by Parliament to give a fair consideration to the whole of its provisions, and with that attention which is due to the importance of the subject—I trust its result will be to give greater efficiency to the Corporation of the City of London, to strengthen its influence, and to increase its usefulness. I may, in conclusion, express a hope that the anticipations of the Commissioners, in the concluding paragraph of their Report, will be fully realised :—

> "That the changes in the constitution of the Corporation which they have indicated, and which are founded upon the recognised policy of the country with respect to municipal boroughs, will place it on a more solid and enlarged basis, and that the Corporation will continue, under an amended system, to possess abundant means, not only for purposes of public usefulness, but also for the exercise of a decent hospitality and splendour."

I move for leave to bring in a Bill for the better regulation of the Corporation of the City of London.

Sir JAMES DUKE fancied that any one who heard the speech of the right hon. Baronet might have supposed that he was proposing to confer a great extent of privileges on the Corporation of London. He did not, however, rise at present to make any objection to what the right hon. Baronet had stated, but he wished to know when it was likely that the Bill, relating to a matter of so much importance, and involving the rights of the Corporation and the rights of property, would come on for a second reading? One part of the right hon. Baronet's statement—that relating to the coal duties—he thought was not characterised by the right hon. Baronet's usual frankness, for he ought to have told the House that the Corporation acted in the capacity of mere trustees for the public, in reference to the 8*d.* and the 1*d.* duties. The Corporation collected the money, and handed it over to the Government. [Sir G. Grey intimated that he had said so.] He (Sir J. Duke) did not hear the right hon. Gentleman say so. With regard to the appointment of magistrates, the right hon. Gentleman did not say whether it was to be in the hands of the Crown or the Corporation. [Sir G. Grey: The Crown.] He (Sir J. Duke) would only further say, that the Corporation would give the most anxious consideration to the measure, but they ought to have fair time to consider its provisions.

Mr. W. WILLIAMS said, that the hon. Gentleman who had just sat down seemed to have expected that the Bill would confer some benefit upon the Corporation of London. The right hon. Baronet had stated that it would be of the greatest benefit to the citizens of London, and that ought to be considered a benefit to the Corporation. It was a measure which would make the Corporation what it was in days of yore—the most important body in the kingdom next to the Houses of Parliament—and would enable it to execute its functions in the most efficient manner, so as to form an example, if necessary, to all the corporations in the country. He thought the greatest praise was due to the Commissioners for their examination into the affairs of the Corporation, which at one time thought itself too strong for Parliament to deal with, and had boasted that, if the House of Lords agreed to any measure of City Corporation Reform, that hereditary branch of the Legislature would place itself in imminent danger. He did not, however, think there was much danger to the House of Lords even if the Bill should be carried. As an old citizen, he thanked the Secretary for the Home Department for having attended to the excellent suggestions of the Commissioners.

Mr. MASTERMAN said, he did not rise to make any objection to the introduction of the Bill, which, he had no doubt, would be considered by the Corporation of the City of London in a fair spirit. All that he would add was his hope that ample time would be given for due deliberation on the provisions of the measure, and he should therefore like to know for what day the second reading would be fixed?

Sir GEORGE GREY said that, with the permission of the House, he would bring in the Bill that evening. He had no wish to press the Bill forward with undue haste, but at the same time he should not like to propose any delay which might be attended with risk to the passing of the measure. He should fix the second reading for the 21st instant, or three weeks from the present day. With respect to what had fallen from the hon. Baronet the Member for the City of London, in reference to the coal duties, he wished to state that he thought he read a passage from the Report of the Commissioners, in which they stated that the City acted as trustees for the public.

Leave given.

Bill *ordered* to be brought in by Sir George Grey, Viscount Palmerston, and Mr. Attorney General.

Bill read 1°.

SUPPLY.

The Report upon Supply having been brought up,

On the first Vote being read,

Mr. BLACKBURN called the attention of the House to the very large increase of the Civil Service Estimates voted last night as compared with former years, and expressed a hope that when the House again went into Committee of Supply a closer scrutiny of the Votes would be made. The increase upon the three heads of Supply granted last night, amounted to no less than 11 per cent as compared with the Votes of 1854, or something like £5,000,000 on the whole revenue; and reverting to particular items he found one of £60,000 on the sum voted for the maintenance of public buildings in the metropolis and an increase in like proportion on other Votes. He very much feared that the Chancellor of the Exchequer would find it an easier task to get the House of Commons to vote the money than to collect it from the people.

Resolutions *agreed to.*

FIRE INSURANCES.

House in Committee.

The CHANCELLOR of the EXCHEQUER submitted a Resolution the purpose of which was to remedy a defect in the law relating to fire insurances. As the law at present stood, the only offices subject to the stamp duty imposed upon fire insurances were those established expressly for transacting that kind of business, but it was held that the word "office" did not include an agency; and therefore, if a foreign company established an agency in London or in any other part of England, that agency could effect insurances without paying the tax. That want he acknowledged to be a manifest defect in the law; but up to the present time no foreign company had attempted on a large scale to effect fire insurances in London. It seemed, however, that a foreign company had now established an agency here with that view, and it is alleged that a considerable number of insurances had been already effected. In order to prevent the unfair competition to which the London offices would be thus subjected, he proposed to found a Bill upon the Resolution which he had placed in the hands of the Chairman with the view of removing the defect in the existing law.

Mr. HADFIELD said, he regarded the proposition which had just been made as not only reasonable, but necessary. He regretted, however, that his right hon. Friend had not taken the course of reducing the duty upon fire insurances, because he was confident that the Exchequer lost money by the high duty which was at present imposed. The Government which ran no risk, got 3*s.* for every 1*s.* 6*d.* which the Company got, who ran all the risk; and the result was that insurances were kept down in this country. He gave notice that on some future occasion he should move the reduction of the duty from 3*s.* to 1*s.* per cent.

Mr. WILKINSON thought the alteration only just; but he also agreed in opinion with the hon. Member for Sheffield that a reduction of the duty was the real remedy, because, with the increased facilities and intercourse which now existed with foreign countries, persons would insure abroad in order to escape the high duty which the Government here required. He considered that the present duty pressed with special severity upon the poorer classes of insurers.

Sir SAMUEL BIGNOLD considered that it was perfectly just that foreign agencies should be placed under the same restrictions with respect to the payment of duty as English companies, but he did not think that at the present moment the right hon. Gentleman would be justified in giving up two-thirds of the duty; neither did his experience teach him that to lessen the duty would tend to increase the amount of property insured or the number of insurers, for he recollected when the duty was only 1*s.* 6*d.* per cent, and it did not produce that great addition of business to insurance offices which hon. Gentlemen opposite seemed to think would result from its reduction.

Mr. HANKEY admitted the propriety of placing foreign agencies on the same footing, but was convinced that the only way of remedying the evil was to reduce the amount of duty, which was a tax upon the more provident portion of the community. At present no more than one-third of the property in the United Kingdom was insured, while in France seven-eighths of the whole property was insured. This he attributed mainly to the restrictions under which insurers laboured in this country.

Resolved—

"That the respective Duties granted and payable under the Acts relating to the Stamp Duties upon or in respect of Insurances of Property from loss or damage by Fire, shall extend to and be payable for or in respect of all Insurances of Property within the United Kingdom from loss or damage by Fire, whether the same shall be made by any Company, Society, or person or persons within or out of the United Kingdom, and whether the Policy, Instrument, Note, or Memorandum of or relating to any such Insurance shall be made, signed, or issued in the United Kingdom or elsewhere, and whether there shall be any such Policy, Instrument, Note, or Memorandum or not."

The House adjourned at half after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, April 2, 1856.

MINUTES.] NEW WRITS.—For Athlone, *v.* Right Hon. William Keogh, Judge of the Court of Common Pleas, in Ireland; for Ennis, John David FitzGerald, esq., Attorney General for Ireland.

PUBLIC BILL.—1° Leases and Sales of Settled Estates.

MEDICAL PROFESSION BILL.

Order for Committee read. Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD ROBERT GROSVENOR said, he was anxious before Mr. Speaker left the chair to call attention to the peculiar position in which the Bill stood. He had no wish to offer any vexatious opposition to the measure, for he was prepared to admit that legislation on the subject was called for by the general voice of the country, and though some objectionable provisions had been introduced, which, if they were not altered or expunged in Committee, would render it impossible for him to give his assent to the final stage, it was only justice to his hon. and learned Friend (Mr. Headlam) to say that he had presented his Bill to the House in a much more simple form than they had been accustomed to in the numerous previous attempts that had been made to deal with the question. What, however, he desired to call attention to was this:—On the notice paper of that morning there were something like 100 Amendments to be proposed in Committee to this Bill. If notice had been given of those Amendments a few days beforehand, so that they might have come prepared to discuss them, or if they were merely of a verbal and formal nature, no objection could have been taken, but some of them went to the whole principle of the Bill, and he would only ask the House how it was possible for any Member of Parliament, even supposing he had no private business of his own to transact, to look through this array of nearly 100 Amendments, compare them with the Bill, and ascertain their bearing upon the measure generally, in a single morning. There were principles involved in those Amendments which he contended ought not to be discussed in Committee at all, as, for instance, the principle of the appointment of the Council, which, as it stood originally in the Bill, the Government, by an Amendment they had given notice of, proposed to reverse. Now, that he considered was a matter which had much better be arranged between the Government and the promoters of the measure out of the House, before they were called upon to go into the details in Committee. The practice generally pursued in regard to the Scotch Bills he thought might be adopted with considerable advantage in reference to this Bill, namely, of arranging all disputed questions involving principle out of the House, leaving the details only to be settled in Committee. Under those circumstances, he should, therefore, appeal to his hon. and learned Friend to postpone the Bill for the present, and arrange with the Government as to the main principles upon which they should proceed to legislate, rather than force on a discussion for which the House could not possibly be prepared. There was another important measure on the paper for that day, the Factories Bill, and he urged that they would best consult the interests of their constituents by passing on at once to that.

MR. BARROW said, he was favourable to the general principle of the Bill—namely, that the medical profession should in future be governed by a representative body; but the very first Amendment on the paper was, that that principle should be altogether expunged, and the profession be governed, not by a representative body, but by the nominees of the Crown. It was only within the last few minutes that he had been able to compare the Amendments with the Bill, and it struck him that if such an alteration in principle was intended to be made, it ought to have been proposed on the second reading. At all events, fair notices should have been given to the public and the profession, and the House ought not to be called upon now to discuss the general principle upon the short notice of ten minutes.

Mr. HEADLAM said, he regretted that he could not comply with the request made by his noble Friend and the hon. Gentleman opposite; but, in declining to do so, he begged to inform them that he was influenced by no personal motive. It was a matter of indifference to him individually whether the discussion was taken now or at some future time; but to the medical profession, many members of which were now in town from various parts of the kingdom, for the purpose of consulting with their representatives on the subject, any delay would be attended with great inconvenience. Besides, he did not see that they would be in any better position to discuss the question on a future day than they were now. There were differences of opinion as to the constitution of the Council, three distinct bodies laying claim to the right of appointing the members—namely, the Government, the corporate bodies of the medical profession, and the great mass of the medical practitioners throughout the country. He had not the slightest hope, even if they postponed the question for the next ten years, that the least approach to arrangement would be made between those bodies out of the House on the subject. The question whether or not the Government should nominate the governing Council, or whether the nomination should be in the hands of the medical corporate bodies, or the profession at large, or whether there should be a compromise, was one which that House must decide. With regard to the number of Amendments of which notice had been given, it was true there were between seventy and eighty. He had gone through them all, and found that nineteen out of every twenty were mere verbal Amendments; as, for instance, should three registrars be adopted instead of one, then, in all the subsequent clauses relating to registration, the word "registrar" would have to be altered to "registrars." He thought a very exaggerated notion existed as to the extent in which the principle of the Bill was involved in the constitution of the Council. He was satisfied that either one of the modes proposed for electing the Council might be adopted without interfering in any way with the real object and scope of the measure. The only two questions of principle raised by the Amendment were the constitution of the Council—which he could hardly admit to be a question of principle at all—and the point embraced in the Amendment of the hon. Member for Selkirkshire (Mr. E. Lockhart) as to the licensing power of the Universities. Those two questions the House was in as good a position to discuss and decide upon as it could possibly be at any future time. He saw no reason, therefore, for postponing the measure, thus keeping the mind of the medical profession in a state of needless agitation.

Mr. WALTER said, that so far from the Amendments being of a merely technical character, the 62nd asserted a principle to which the attention of the House ought to be directed. That Amendment, which was proposed by an hon. Member whose name was on the back of the Bill, prohibited, under a penalty of £5, any person from prescribing medicines or acting in any medical capacity unless he was registered under the Act. He (Mr. Walter) did not stand there as the advocate of any new-fangled system of medicine; but he must say that if British subjects were to have a right of private judgment in anything, surely they were entitled to exercise it in matters which affected their own health. Such a prohibition as that to which he had referred was a matter far too important to be introduced by an Amendment, and one upon which the House ought to come to a decision before going into Committee upon the Bill.

Mr. MICHELL said, that the operation of the Bill would be to throw open the medical profession, and to convert all the chemists and druggists into apothecaries. Although he was himself friendly to the general principle of the Bill, he could not admit that the measure had been received with as much favour as its advocates seemed anxious to represent. The petitioners were exactly two to one against it, there being 800 for it and precisely 1,600 against. The 19th clause, which proposed to give to the Council the power to strike off the list of medical practitioners any one who might be found guilty of anything so vague and indefinite as that comprised in the term "misconduct," was far too loosely worded for a penal enactment;

and, indeed, to speak generally, the details of the Bill demanded revision and were susceptible of great improvement.

Sir GEORGE GREY said, he understood his noble Friend the Member for Middlesex (Lord R. Grosvenor) to have suggested that, in consequence of the numerous Amendments of which notice had been given so recently, the better course would be to postpone the further consideration of the Bill to some future period. That was a proposal which it was to be hoped would assume the form of a Motion, so that the House might decide upon it at once, and avoid the irregularity of discussing the details of the Bill at the present stage. It was no doubt to be regretted that the Amendments in question had been placed upon the paper at so late a period, but for this the Government were not fairly responsible. The reason why earlier notice had not been given of the Amendment—for remodelling the Council—that stood in the name of his right hon. Friend the President of the Board of Health was simply that it was not until yesterday that the Government had had interviews on the subject of the Bill with deputations representing the various branches of the medical body in the three kingdoms. The day for those interviews had been fixed at the desire of the medical profession, through whose act—and not through that of the Government—it had happened that they (the Government) had not until so lately been put in possession of the views of the faculty with reference to this measure. It appeared to be the general wish of the gentlemen who formed the deputations that the Bill should be brought into Committee with a view, no doubt, to the introduction of very important amendments. They were unanimous in objecting to the present constitution of the Council, and seemed to favour the proposal that the nomination of that body should be left, to a great extent, if not altogether, in the hands of the Government. After collecting the opinions of the different departments of the medical profession, the Government arrived at the conclusion that there were good and substantial objections to the Council as originally proposed to be constituted, and they accordingly placed upon the paper the Amendment that stood there in the name of his right hon. Friend (Mr. Cowper). The Amendment referred to by the hon. Member for Nottingham (Mr. Walter)—that which proposed the imposition of a penalty on persons acting as physicians without being duly registered—was, doubtless, a very important one, but there was no reason that he (Sir G. Grey) could see why it should not be carefully considered and satisfactorily disposed of in Committee. It certainly did not occur to him that it was an Amendment so foreign to the general principle of the Bill as to render it necessary that the present measure should be withdrawn and a new one substituted. As the constitution of the Council — a matter to which the hon. Member for South Nottinghamshire (Mr. Barrow) appeared to attach peculiar importance—and all other questions of detail could nowhere be so effectively discussed as in Committee, he would suggest that the Bill should be permitted to pass into that stage without further delay.

Mr. BARROW said, his complaint was that hon. Members had had no opportunity of consulting with their constituents on the subject of the Amendments.

Mr. WALPOLE said, that when the Bill was introduced by the hon. and learned Member (Mr. Headlam), that Gentleman remarked that it met with the general concurrence of the different persons connected with the medical profession; but it now turned out, judging by the petitions presented to the House, and the communications made to many hon. Members, that there was no such concurrence at all. The Bill had therefore been assented to on its second reading under what might be termed an erroneous impression. That impression had since, however, to an immense extent, been removed by the petitions and the communications made to hon. Members, and especially by the statement of the right hon. Baronet the Home Secretary. According to that statement, the different persons connected with the medical profession desired an altogether differently constituted Council; and that was a point of the utmost importance. Individually he (Mr. Walpole) should be prepared to support the principle of the Amendment which the Government had announced; but he could not agree with the Secretary of State in thinking that the House had generally had sufficient notice of the nature of the alterations proposed to be made in the Bill. He did not disbelieve that there were many persons in the House admirably qualified at the present moment to discuss that principle; but he thought it was extremely inconvenient that upon an Amendment involving so important a principle as that now proposed, they should at once go into Committee, without having more time for consideration of the alterations that had been placed on the notice paper. He quite agreed with the right hon. Gentleman, that it would be imprudent and impolitic to enter into a discussion of the principle of the Bill on the question that Mr. Speaker should leave the chair; but the reason assigned by the Government why at that, the eleventh hour, they had felt it to be their duty to essentially alter the principle of the Bill, afforded, in his opinion, reasonable ground for postponing the measure at the present moment. And he would take leave to add, that if they wished to have a good effective medical reform, that object would be very much facilitated by the promoters of the Bill consenting to refer either the subject or the Bill itself to a Select Committee. He begged leave, therefore, to move the postponement of the Bill until that day week.

Mr. DRUMMOND said, he should second the Amendment, because it would really appear as though the doctors were of opinion that their fellow-creatures not in the profession were their material property—their goods and chattels—which they might treat in whatever manner they pleased. The Bill would stereotype all medical knowledge, arrest the progress of scientific discovery, and effectually prevent any advance in the most important of the arts. Nay, more—it would bind us down for all futurity to the compounds and preparations of the pharmacopœia now in use. Against such legislation he, for one, would never cease to raise his voice. If the doctors had had their own way we should never have had chloroform, or any other of the valuable discoveries that, in modern times, had been introduced with such advantage to the interests of humanity. Never was it less expedient for the House to sanction such a measure as this than at the present moment, when, by means of vegetable and animal chemistry, such extraordinary progress was being made in the science of health.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Wednesday next, resolve itself into the said Committee," instead thereof.

Viscount EBRINGTON said, he was for referring the subject to a Select Committee. He had received that morning a deputation of medical gentlemen who were perfectly in ignorance of the Amendments which had been proposed. The different principles which had been intended for adoption in the constitution of the governing Council representation on the one hand, and Government nomination on the other hand, were entirely antagonistic, and the House should not be called upon to decide between them at twelve hours' notice.

Mr. CRAUFURD said, the number of Amendments on the paper was, in his opinion, no ground for the postponement of the Bill. If such a ground of argument were admitted, any measure might be swamped by placing a number of Amendments on the notice paper. The proposal of the Government as to the constitution of the Council, however, came upon him by surprise. With regard to the particular Amendment to which exception had been taken by the hon. Member for Nottingham (Mr. Walter), he could only say that to the principle of that Amendment both he and his hon. and learned Friend the Member for Newcastle-on-Tyne (Mr. Headlam) were decidedly hostile.

Mr. HENLEY said, he thought it a decisive argument for the postponement of the Bill, that the Amendments of which notice was given had taken the hon. and learned Gentleman (Mr. Craufurd) by surprise. But who had put those Amendments on the paper? The Government. The change it was proposed to make by those Amendments was as great as could be imagined, and it was but fair to allow those who would be affected by it an opportunity of expressing their opinion about it. That was the more desirable, as the matter was technical, and the differences of opinion between the hon. Members whose names were on the back of the Bill had placed the House in some difficulty.

Mr. HEADLAM said, he felt called upon to offer an observation with respect to the medical corporations which had placed themselves in communication with the Home Secretary. The facts were these:—The Bill under discussion was introduced last Session, and not only was it circulated throughout the country during the recess, but copies were forwarded to each of the medical bodies which had sent deputations to the Home Office. They embodied their opinions on it in the form of Reports which they addressed to the Home Office, and it was from an attentive perusal of those documents that the inference was gathered that there was in the profession a unanimous feeling in favour of the principle of the Bill. There was no discrepancy between the Reports in question and the views now advocated by the medical bodies. There was still a general feeling in favour of the whole Bill, but a difference of opinion existed with respect to various portions of it. That difference of opinion, always entertained, and now only varied in the manner of its expression, had induced the Government to alter their own views on the subject. Such, in a few words, was the present state of the question. One thing was clear to him—namely, that by postponing the Bill he should be acting in direct opposition to the opinions and feelings of all the medical corporations without exception. With that conviction, and the knowledge that the postponement of the Bill would be almost equivalent to its rejection, he could not assent to the Amendment of the right hon. Gentleman the Member for the University of Cambridge.

Lord ELCHO said, he did not think that in this case postponement was necessarily synonymous with abandonment. The Bill as at present framed would injure the Universities, and deliver over graduates in medicine bound hand and foot to the mercy of medical corporations. If the present measure were postponed, he would, on a future day, move for leave to introduce a Bill which was drawn up last Session and privately circulated, and which embodied the views of the Universities—institutions of which he could only remark that, in this instance, their interests were identical with those of the public.

Mr. BRADY said, he must complain of the imputations sought to be cast on the medical profession by the hon. Member for West Surrey (Mr. Drummond), and, while admitting with regret the aversion of the medical corporations to reform, he could bear testimony to the high attainments of the gentleman who presided over those associations; and he must claim for the profession generally credit for unselfish motives, and an anxious desire to promote the interests of science. Finally, he was willing to withdraw his Amendment for imposing a penalty on practitioners not legally registered as such, lest its retention should endanger the safety of the Bill.

Mr. BLACK said, he quite approved of the suggestion to remit the Bill to a Select Committee, by means of which an opportunity would be afforded them to deliberately consider what provisions would be best for the advantage both of the public and the profession. The adoption of that course would, he believed, be satisfactory alike to the Medical College of Edinburgh and to the professors of the University of that city. The great object of any measure of this kind was to secure a perfect standard of qualification, together with equal rights of practice, and a proper registration.

Mr. BARROW said, his objection was not that that House only, but the public also, had had no notice of the extensive alterations which the Government proposed to make in the Bill. The measure of last year contained the representative principle, but the Government now contemplated the denial of that advantage to the profession. The right hon. Baronet the Home Secretary stated that his clause modifying the constitution of the Council was framed out of deference to the opinions of certain individuals connected with particular localities; but those persons surely could not be regarded as the representatives of the great body of the profession throughout the United Kingdom. Their modest request, in fact, resembled one that might have been made, when the Reform Bill was under discussion, by Calne to have itself and Gatton continued as Parliamentary boroughs, while populous places like Manchester were altogether excluded from the representation.

Sir GEORGE GREY said, that the deputations which had waited upon him before Easter consisted of the accredited representatives of the College of Surgeons and the Society of Apothecaries of London, besides which he saw on Tuesday deputations from the College of Physicians of England and the College of Physicians of Edinburgh, the College of Surgeons of Edinburgh, representatives of the Universities of Edinburgh and Glasgow, University College, London, and the graduates of the University of Dublin; and he did not think there was one of them who advocated the composition of the governing Council proposed in the Bill as it stood. They said that the Bill last year did not receive from themselves and the profession as much consideration as it ought to have done, but they were the more anxious to make known their views to the Government; and it was after hearing the subject fully discussed by them that the Government came to the opinion that there were very valid objections to the proposed constitution of the Council. The proposal to refer the Bill to a Select Committee had been alluded to by the right hon. Member for the University of Cambridge (Mr. Walpole), but was not yet before the House. As he (Sir G. Grey) had stated, if the House wished now to go into the question, the Government were prepared, when the House was in Committee, to explain their reasons for the Amendments of which they had given notice; but he did not think it was unreasonable that there should be a delay for considering Amendments of such importance, and if such were the general wish of the House, he thought the hon. and learned Gentleman (Mr. Headlam) would be taking an unwise course in pressing the Motion for going into Committee to a division. If an interval of time were agreed to, the parties interested in the Bill might consider the expediency of referring it to a Select Committee.

Colonel DUNNE said, he must apologise for the shortness of the notice he had given of certain Amendments which stood in his name. The truth was, he had not had an opportunity of communicating with members of the medical profession in Ireland until the Easter recess, and his Amendments were intended to give effect to their opinions.

Mr. T. DUNCOMBE said, that the introducer of the Bill had himself given notice of no less than three pages of Amendments, and it would certainly, he conceived, require a reference to a Select Committee to enable them to understand the alterations which the author proposed to make in his own measure. At the same time he (Mr. Duncombe) must honestly confess that he should vote for sending the Bill before a Select Committee in the hope of getting rid of it altogether—a result which would, no doubt, follow the subjection of the measure to such an ordeal. The Home Secretary told them that the College of Surgeons and the Society of Apothecaries were more or less opposed to the Bill, but not a word did the right hon. Baronet say about the feeling of the public. He (Mr. Duncombe) represented a very mixed constituency, which included doctors and all sorts of persons, and certainly, as far as he could gather the opinion of the people, it was decidedly hostile to any meddling of the kind contemplated by this measure. Was every medical man to be denominated a "quack" merely because he might not be duly registered under the Bill? The homœopathist, for instance, would not be registered; and, of course, the medical oligarchy now proposed to be set up would refuse him a licence to practise. But had the public no rights in regard to this matter? Was a man not to be allowed to judge for himself how he would be treated? The Bill said, "No; you shall be doctored in our way, whether you like it or not." Another most obnoxious Bill, and one most repugnant to the feelings of the people, was lately introduced into that House. He alluded to the measure making vaccination compulsory. Vaccination might be a very excellent thing, but the people had no idea of having a Parliamentary lancet stuck into them or their children at the dictation of the Board of Health. There was no chance, however, he thought, of the measure on that subject passing into law.

Sir JOHN PAKINGTON said, he would remind the hon. Member for Finsbury that the question before the House was, not whether the Bill should be sent to a Select Committee, but whether it should be postponed for a week. Whatever might be the merits or demerits of the measure, it was very hard, if not unfair, to ask the hon. and learned Gentleman (Mr. Headlam) to postpone it for a week, because, if that were agreed to, the result would be, not a delay of one week, but of many weeks, and the Bill would not improbably fail altogether. If the Bill was to be thrown out, let it be thrown out upon its merits, and not by a side-wind, in the shape of a Motion for delay. The right hon. Baronet the Home Secretary having proposed important changes in the measure, if the postponement was insisted upon the hon. and learned Gentleman (Mr. Headlam) would be entitled to call on the Government to take charge of the Bill, and put it into the form in which they desired to see it pass.

Mr. ELLIOT said, he would suggest that the House should go into Committee, and stop at the clause which the right hon. Baronet (Sir G. Grey) proposed to alter.

Sir JOHN PAKINGTON said, he rose to explain. He understood that an expression which had fallen from him had hurt the feelings of his right hon. Friend (Mr. Walpole). In saying that the proposition for a postponement was like an attempt to get rid of the Bill by a side-wind, he (Sir J. Pakington) had not meant to impute to his right hon. Friend the slightest intentional unfairness, but merely to express his own opinion of the inevitable effect of the course recommended.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 81; Noes 116: Majority 35.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Mr. HEADLAM said, he wished, after the division that had just taken place, to come to some understanding with the Government. The charge of the Bill had been none of his seeking. In fact, when he originally went with a deputation to the Government on the subject, feeling that such a measure was not one that a private Member could advantageously introduce, he strongly urged the Home Secretary to undertake it. The right hon. Baronet, however, argued, with great apparent plausibility, that if the question were left to the Government it was likely to be thrown over till the end of the Session, when it would have little chance of passing. At the same time he (Mr. Headlam) never would have taken charge of the Bill unless he had felt assured that he would have the co-operation of the Government in carrying it. He had no wish to cast any personal imputation upon any one, yet it was manifest that the Government, by proposing their Amendments at the last moment, had caused the adverse result which the House now witnessed. If they had not voted against him he should have had a majority, and been in a condition to go on with the measure; but, as it was, the Government having completely thrown him over, it was their duty henceforward to undertake the conduct of the Bill.

Sir GEORGE GREY said, it was true that last year a deputation of medical practitioners, headed by the hon. and learned Gentleman, waited upon him to request the Government to take charge of a Bill which they had prepared, and that he had declined on the part of the Government to do so; pointing, as a reason for his refusal, to the fate that attended previous attempts at medical legislation, which had miscarried at the moment when it was supposed that all was ripe for a satisfactory settlement, owing to grave differences which arose between the representatives of the different branches of the profession. Two Committees in succession were appointed; they heard evidence from different members of the medical profession, and a scheme was devised to be submitted to Parliament, which it was hoped would meet with the general acceptance of the profession. Their hopes, however, were disappointed, and they were unable to propose a scheme to the House with a prospect of a settlement. The deputation, however, replied that their Bill was a very popular one, and free from objections to which other schemes were liable; and that if the Government only took charge of it it would pass with great facility. Being still very sceptical on that point, he then added that even if the Government took it in hand, there would be little prospect of its becoming law that Session, in consequence of the heavy amount of other business with which they were occupied; but, at the same time, he told the deputation that if they had the great confidence in the popularity and success of their measure which they expressed, he could name no private Member more competent to take charge of it in the House of Commons than the hon. and learned Member for Newcastle (Mr. Headlam). He was then asked whether he would agree to the formal introduction of the Bill, merely in order to have it printed and circulated through the country during the prorogation of Parliament; and he gave a ready assent to that proposal. The answers given by many bodies connected with the medical profession at first led him to suppose that the measure might be favourably received, but at a later period the obstacles of which he had warned the hon. and learned Gentleman, whom he thought too sanguine, again appeared, and when the Bill was fixed for Committee the most discordant opinions were expressed by the profession as to its details. This induced him to congratulate himself that the Bill was in the hands of the hon. and learned Gentleman, and not in those of the Government. The hon. and learned Member had assuredly no right to complain of the decision at which the House had arrived. If they had gone into Committee that day no real progress could have been made, and their time would have been wholly wasted. He must decline, on behalf of the Government, to take charge of the Bill, but if the hon. and learned Gentleman persevered with it, he (Sir G. Grey) should move such Amendments as he thought calculated to improve its provisions. It would, perhaps, be better to refer the question to a Select Committee, or even to a Commission, by which more useful results might be obtained than had flowed from previous inquiries of the same kind; but, at all events, the Government, possessed as they were of the views of the various branches of the medical profession, were not prepared to bring in a Bill on the subject during the present Session.

Mr. WALPOLE said, he hoped that the hon. and learned Gentleman (Mr. Headlam) would not persist in his somewhat hasty resolution of having nothing more to do with this measure. He (Mr. Walpole) had no desire to see the Bill entirely rejected. He thought they were now nearer than ever to a settlement of the question; and if the hon. and learned Gentleman, next Wednesday, moved that the measure be referred to a Select Committee, instead of then going on with it in Committee of the whole House, no doubt he would receive valuable assistance from the Government, and be enabled ultimately to establish an efficient registration of medical practitioners, founded on an examination test which would afford a guarantee to the public that the members of the profession were duly qualified for the discharge of their important duties.

Mr. BRADY said, that the profession were desirous of having a good measure of medical reform, but the medical corporate bodies were opposed to it, and the reason that no legislation took place on the subject was, that the Home Office lent too favourable an ear to the representations of those bodies. He thought his hon. and learned Friend the Member for Newcastle had been most unfairly treated by the Government, who had thrown him over at the last moment, after having led him to believe that he would have their support. He hoped that he would not, however, persevere in the intention he had hastily expressed to abandon the measure; for he believed that, if he went on with it, a satisfactory measure might be attained.

Mr. COWPER said, that the subject before them was undoubtedly a very difficult question, but he agreed with the right hon. Gentleman opposite that they were now approaching its solution. He thought there would be no difficulty in preparing a measure which would receive the sanction of the House, and which, though it might not be acceptable to every portion of the profession, would be satisfactory to those who viewed the subject in a calm, impartial, and unprejudiced manner, and would, at the same time, be advantageous to the public. It could not be said with justice that the Bill of the hon. and learned Member for Newcastle had been opposed by the Government, for they were ready to support the principle of his measure; and because they were anxious that it should be successful, they desired its amendment. He believed there would be no objection on the part of the Government to refer the Bill to a Select Committee, or to recommend the appointment of a Commission of Inquiry.

Sir JOHN PAKINGTON said, he thought the difficulty of dealing with the subject was evidenced by the conduct of Her Majesty's Government, for since he had been in the House he had heard the same Members of the Government speak on both sides of the question. He had heard the right hon. Secretary for the Home Department (Sir G. Grey) declare that he would vote for going into Committee, but the right hon. Baronet afterwards spoke against going into Committee, and supported his opinions by his vote. [Sir G. Grey: I gave my reasons.] Yes; but the right hon. Baronet also gave his reasons for the course he recommended in the first instance. He (Sir J. Pakington) thought the hon. and learned Member for Newcastle had some reason to complain of the conduct of Her Majesty's Government, but after the intimations of the Home Secretary, and of the right hon. Gentleman (Mr. Cowper), that the Government would consent to refer the Bill to a Select Committee, or to issue a Commission on the subject, he would recommend the hon. and learned Gentleman not hastily to abandon the measure, but to consider which of those courses it might be most desirable to adopt.

Lord HARRY VANE said, he regretted the course taken by the Government, and would suggest to his hon. and learned Friend (Mr. Headlam) to assent to the postponement, and have a Committee appointed, so that evidence might be received which would convince the Government and the public that some such measure as the present was, in its main provisions, highly desirable.

Viscount EBRINGTON said, he would also recommend the hon. and learned Gentleman the Member for Newcastle to assent to refer the matter to a Select Committee. He rejoiced the measure was in the hands of a private Member who was competent to deal with it. He hoped the Government would leave the Bill in the charge of the hon. and learned Gentleman, but, at the same time, give him a Government night occasionally. He would not assent to the nomination plan proposed by the Government Amendment, nor did he entirely approve of the representative principle as embodied in the Bill; but these were entirely matters of detail.

MR. GROGAN said, he hoped the hon. and learned Gentleman the Member for Newcastle would reconsider his decision, and proceed with the Bill, the great principles of which the House seemed disposed to approve of. The question, he considered, was in a fair course of adjustment.

LORD ELCHO said, that, since the division took place, several hon. Members had pressed him to introduce the Bill on the subject to which he had referred in addressing the House. He begged, therefore, to give notice that he would tomorrow move for leave to introduce a Bill for amending the laws relating to the medical profession; and he thought the best mode of dealing with the question would be by appointing a Royal Commission of Inquiry, and, in the meantime, referring his Bill, and that of the hon. and learned Member for Newcastle, to a Select Committee.

MR. E. BALL said, he thought the House had had quite enough of medicine for one morning, and that, as the postponement of the Bill had been agreed upon, it was useless to waste further time in discussion. He would remind the House that the remaining period of the day's sitting would probably be occupied in the consideration of an important measure (the Factories Bill) which stood next upon the paper.

MR. BARROW said, he would recommend the hon. and learned Member for Newcastle not to abandon his Bill, for he thought a complete registration of medical practitioners and the abolition of those distinctions which now existed between members of the profession in Scotland, Ireland, and England, were measures which would be attended with great advantage.

Committee *deferred* till *Wednesday* next.

FACTORIES BILL.

Order for Second Reading read.

COLONEL WILSON PATTEN said, when he introduced the measure now awaiting its second reading, there were very few Members present; it might, therefore, be advisable that he should now explain its objects. He had introduced the Bill at the suggestion of a large body of his constituents, owners of factories, who for several years past had suffered great oppression under the existing law. The object of the Bill was to place the gear and shafting of machinery, so far as legislation was concerned, upon the same footing with machinery itself. As some hon. Gentlemen might not be aware of the difference between shafting and gear, and machinery, he might, perhaps, be allowed to explain that in every factory there was connected with the steam-engine a shaft to which were attached several "drums," which were used for the purpose of putting the real machinery of the factory in motion. Now, there was a difference in the law relating to the machinery of mills, and to shafts and drums, and his object was to assimilate the law with regard to both. The 7 & 8 *Vict.* c. 15, s. 21, required owners of factories to place secure fencing round all the shafts and gearing; and the 43rd clause of that Act enabled the factory occupiers to submit any case of dispute with regard to machinery, as distinguished from shafting and gearing, to arbitration. The arbitrators were empowered to determine not only whether it was necessary that machinery should be fenced off, but also the particular mode in which it should be fenced. With regard to shafting, however, there was no such power of arbitration, but every manufacturer in the country was compulsorily required to fence off every portion of shafting, wherever it might be, and however unlikely it was that the operatives could come in contact with it. The cause which had more immediately led to his bringing the subject before the House, was a trial which had recently taken place in the county he had the honour to represent (Lancashire). A manufacturer, having placed his shafts along the roofs of the rooms in his factory, at a height of seven feet from the ground, and out of reach of his workpeople, believed he had complied with the law. An accident, however, occurred in the mill, and an action was brought against the manufacturer for non-compliance with the provisions of the Factory Act. The manufacturer, believing that he had complied with those provisions, went to trial. The case was tried before Mr. Justice Crowder, who ruled that the law must be interpreted strictly and literally, and a verdict was given against the defendant, the manufacturer. The defendant then applied for a new trial, on the ground of misdirection on the part of the Judge, and a new trial was ordered. The case was tried before Mr. Justice Cresswell, at Liverpool, and that learned Judge—who, from early association, was, perhaps, the most competent Judge on the bench to try a case of the kind—ruled that, as the shafting was placed at such a height from the ground that it could not come in contact with the workpeople, the requirements of the Act had been complied with, and the jury gave their verdict for the manufacturer, subject to the opinion of the Court above upon the point of law. The case was, therefore, carried into the Court of Queen's Bench, where Lord Campbell took the same view as Mr. Justice Crowder, and said that, whatever were the circumstances of the case, the law must be strictly and literally interpreted, and that, as it appeared there was nothing which could be held to be fencing in the eye of law, the judgment of Mr. Justice Cresswell was wrong, and must be reversed. This decision placed the whole body of manufacturers in the United Kingdom in a most awkward dilemma, for, wherever their shafting and gearing might be, and whatever might be its extent, they were by that decision compelled to fence it off completely. During the vacation he (Colonel Patten) had visited numerous mills, including some of the very newest construction, and from the immense extent of shafting and drums, he had come to the conclusion that it was totally impossible for manufacturers to comply with the law as it was laid down by Lord Campbell. He had visited the factory of Mr. Miller, at Preston, which was one of the largest in the country, and he had been struck with the beauty and completeness of the arrangements for the protection of the workmen. Mr. Miller had expended what would be to many persons a little fortune in providing for the security of the operatives, and he had erected the shafting along the roofs of his rooms, believing that, as his workpeople would thus be protected, he had complied with the requirements of the law; but, according to the decision of Lord Campbell, if any accident occurred in his mill, he would not only be liable to a very large fine, but also to an action, which might be brought against him by any individual, for non-compliance with the law. The shafting in Mr. Miller's factory was, he should say, several miles in extent; so far as he could see, every portion of it was beyond the reach of any human being; and he thought it a great hardship that a gentleman who had done so much for the protection of his workpeople should be placed in the predicament in which he found himself under the existing law. He (Colonel Patten) requested the overlookers of all the factories in Preston — a town with a population of 70,000 persons—to meet him, and state to him their opinions on the subject generally, and also with reference to the present Bill. They were unanimously of opinion that it was impossible for any manufacturer on a large scale to comply literally with the provisions of the existing Act, and to keep himself out of reach of the law; and they considered his (Colonel Patten's) Bill most reasonable, expressing their belief that it would not increase in any degree, but would in many instances diminish, the dangers to which operatives were exposed. If danger was to be apprehended from shafting placed at such a height from the ground as he had mentioned, what, he asked, must be the danger to which operatives were subjected from the machinery amid which they had to pass in every part of a mill? He believed the danger from the machinery to be a thousandfold greater than that from shafting and gearing. The protection of machinery had been for years the subject of arbitration, but he believed that during the last six years, throughout the whole of England, Scotland, and Ireland, there had not been twenty cases of arbitration or of disputes between masters and inspectors as to whether machinery should be fenced. He understood it had been said by some of the inspectors that, if shafting and gearing were placed upon the same footing as machinery, endless disputes would occur. He believed one of the Factory Inspectors stated that in one mill he found about 1,700 cases of danger connected with shafting and gearing. If that were the case, he (Colonel Patten) would venture to say there would be at least 3,000 cases of danger arising from the machinery. He had no doubt, if his proposition were adopted to place shafting on the same footing with machinery, that a very few cases of arbitration would rule any disputes which might subsequently arise, and it was, therefore, absurd to contend that the time of the Inspectors would be occupied in dealing with such disputes. He deemed it a great hardship that manufacturers should be subjected to an exceptional law which did not apply to any other class of Her Majesty's subjects; and he believed, when the enormous number of persons employed in factories was taken into account, it would be found that the proportion of accidents in such establishments was less than those occurring in iron foundries, candle manufactories, and soap manufactories, or even than those which resulted from agricultural implements. One of the most grievous features of the present system was, that the enforcement of the law was committed to a body of men, the Factory Inspectors, against whom individually he had no complaint to make—for from some of them, and especially from Mr. Horner, he had received much assistance and information, and he felt bound to acknowledge the courtesy with which they had treated him. He had, however, a complaint to make against the Inspectors, arising out of the very nature of their duties—namely, that the variety of their decisions rendered it almost impossible for any manufacturer in the country to know how he was situated with regard to the law. The House would scarcely credit the number of conflicting decisions which had been given by the Inspectors upon questions connected with the Factory Act. He would trouble the House with one or two illustrations of these decisions. The first question which arose under the Act was whether fencing should be required for shafting or not. In some districts the Inspectors required absolute compliance with the Act, and, consequently, that all shafting, of whatever kind, should be fenced; while in other districts the directions were less strict. In a circular issued by Mr. Horner, the senior Inspector, and the other Inspectors, and dated the 23rd of January, 1855, they said—

> "The Inspectors, therefore, by direction of Viscount Palmerston, have again to call the attention of the occupiers of factories of the United Kingdom to the continued non-observance of the 21st section of 7 *Vict.* c. 15, in regard to the 'securely fencing' of all horizontal shafts, at whatever heights they may be from the floor; and they hereby give notice that it will be their duty to take steps for enforcing the above-mentioned provision of the Factory Act."

An accompanying letter from Mr. Horner contained the following passages—

> "Having every reason to believe that experience has proved the efficiency of the above modes of fencing, I feel myself warranted in holding every horizontal shaft which is provided with substantial rectangular hooks or rods to be securely fenced against accidents caused by the lapping of the straps, but not against other accidents. I, therefore, feel it my duty to warn the occupiers of factories in which these contrivances have been adopted that they alone form no secure fencing of the shaft. Adequate means must be adopted, either by a permanent casing or other contrivance, against all accidents from a horizontal shaft, and must be applied to all parts of such shaft to which there may be access while it is revolving."

He found, however, that a circular from all the Inspectors, issued on the 3rd of last March, after his Bill had been introduced, contained the following instructions—

> "We, therefore, request you to inform the mill occupiers in your respective districts that we shall continue not to require horizontal shafts above seven feet from the floor to be cased, nor more than the application of rectangular hooks or parallel rods on each side of every drum, or of any other contrivance equally effective for preventing the driving strap from lapping or coiling upon the shaft. We continue to hold that by such precautions the shaft, as well as the drum or pulley, is securely fenced."

The House must bear in mind that these directions were issued by the same persons who issued the circular of the 23rd of January, 1855. He would, therefore, put it to the House whether it was right that a large interest like the manufacturing body should be subjected to the contradictory decisions of the Factory Inspectors. But he had not done with the case, for very lately Mr. Horner had put an advertisement in the Manchester papers to the effect, that it was a mistake to suppose that the use of rectangular hooks was required by the Inspectors, thus reversing the two former decisions, and affording a remarkable illustration of the manner in which the manufacturers were treated. He had been told that his Bill was a Lancashire Bill. He denied it; but, even if it were, he did not understand why he should be taunted with doing his duty to his constituents. The fact, however, was that his Bill was approved by all the manufacturers throughout the country, and he had himself presented petitions in its favour from almost every part of the United Kingdom. Sir John Kincaid, the Factory Inspector for Scotland, stated in one of his Reports last year that the casing of horizontal shafts above seven feet from the floor was not required in that district. If he were told, therefore, that the manufacturers of Scotland did not object to the law as it now stood, he would reply that it was because they were placed in a very different position from their English brethren; but he was prepared to prove that they were almost unanimously in favour of his Bill. He entreated the House to deal with this question in a calm, deliberate manner, and not suffer itself to be led away by statements to the effect that his Bill was an attempt to get rid of the factory law altogether. It was no such thing. The object of his measure was simply to place all parts of the gearing and machinery in factories upon the same footing, making it a question for arbitration whether they were dangerous or not; and if the Home Secretary should express the opinion, that the clauses of the Bill were so framed as to be capable of doing something either more or less, or that the wording was obscure, he would be happy to adopt any alterations or amendments which might be suggested. Nay more, he was authorised by the manufacturers of the county which he represented—and in this he was certain they spoke the sentiments of their brethren in all parts of the kingdom—to say that they had no niggardly feeling in the matter whatever, that all they wanted was to have the law fairly interpreted and carried out, that they were prepared to fence off whatever part of their gearing, and machinery the Home Secretary might declare ought to be guarded as being within the reach of the workers, but that they most decidedly objected to being exposed to the contradictory decisions of the Factory Inspectors. There was one case which he was bound to mention, even out of its proper place. In one of the mills which he visited during the recess, he observed a peculiarity in the gearing which was, that a person coming in contact with any of the straps might be injured by the machinery below, not that he might be dragged upwards, as was generally the case. He asked the owner whether he had received any notice from the Inspector? The reply was, "I have not only been under the attention of the Inspector, but have received orders to fence all my shafting." So that while the manufacturer was compelled to fence his gearing, from which no danger might be apprehended, the guarding of his machinery, which might possibly give rise to accidents, was a question for arbitration. It was to do away with anomalies of that kind that the present Bill had been introduced; and he conscientiously believed that the Government could support the second reading without endangering the life or limb of a single human being. For his own part, he was as anxious as any Member of that House to protect the lives of the manufacturing operatives, and, if he had thought that the Bill would have the effect of increasing the number of accidents in factories, he would not have introduced it; but he believed that, after the measure had passed into a law, the life of every factory worker would be as secure as before, and, at any rate, he was willing to adopt any alteration or amendment that might be deemed necessary to secure that object. But he could not submit to see an important body of his constituents subjected to a law which they could not obey, and which, if they refused to comply with its impracticable requisition, rendered them liable to great trouble, inconvenience, and expense.

Motion made, and question proposed, "That the Bill be now read a second time."

Mr. COBBETT, in conformity with a notice which he had placed on the paper, rose to move, as an Amendment, that the Bill be read a second time that day six months. He thought he should be able to show, without occupying too much of the time of the House, that the Bill as it now stood would be a most impolitic measure; that it was calculated to do all that mischief which its mover had professed himself — and, no doubt, sincerely — anxious to avoid; and that it would render dangerous to the lives and limbs of an immense number of people employed in factories that machinery and gearing which the existing law required to be securely fenced. He hoped the House would remember the distinction drawn by the hon. and gallant Member between mill-gearing and machinery, and that the statute which it was now proposed to mutilate, if not to destroy in its most important parts, was not passed until after the most mature deliberation and inquiry, and after an investigation conducted at the instance of the hon. and gallant Gentleman himself. The hon. Member had said, in bringing in his Bill, that the Act he proposed to alter was passed in heat, irritation, and haste. He (Mr. Cobbett) would show that the fact was exactly the reverse, and that the greatest care and certainly no haste were exercised in the matter. In 1832, Mr. Sadler, a Member of that House, obtained a Committee to inquire into the condition and working hours of factory operatives, especially children. Mr. Sadler was not returned to the Parliament which was elected after the passing of the Reform Bill; but a Bill which he had founded upon the Report of his Committee was introdued by Lord Ashley. Thereupon the hon. and gallant Gentleman, who knew that there had been an inquiry by the Sadler Committee, moved that the Bill should form the subject of an investigation by a Royal Commission. A Commission was accordingly issued by the Crown, and the Commissioners addressed to the Secretary of State a very voluminous Report, in which they suggested, for the first time, that some provision should be made in an Act of Parliament for securing children and other persons employed in factories against accidents from machinery. They stated a variety of extraordinary facts, showing the necessity for such legislation. At the conclusion of their Report, which was laid on the table of the House on the 25th of June, 1833, they said—

> "From the evidence collected it appears that, in many of the mills, numerous accidents of a grievous nature do occur to the workpeople. It appears, also, that these accidents may be prevented, since in some mills, where more care of the workpeople is in general displayed, they are prevented. It appeass further, that while some manufacturers liberally contribute to the relief of the sufferers, many other manufacturers leave them to obtain relief from public bounty, or as they may."

They proceeded to state that—

> "The refusal to contribute to the expense of the cure of those who have been maimed is usually founded on the assertion that the accident was occasioned by culpable heedlessness or temerity. In the cases of the children of tender years we do not consider this a valid defence against the claim for contribution from the employer. We cannot suppose an obligation to perpetual caution and discretion imposed on children at an age when those qualities do not usually exist. The indiscretion of children must, we consider, be presumed, and guarded against as a thing that must necessarily, and to a greater or less extent, be manifested by all of them."

With regard to the adults—

> "But the accidents which occur to the adults are of themselves evidence (unless they were wilfully incurred in a state of delirium) that the individual used all the caution of which he is capable; as it may be presumed that the loss of life or limb, or the infliction of severe pain, would rarely be wantonly incurred."

They then proposed that there should be regulations for the prevention of accidents, and stated that some manufacturers concurred with them as to the necessity of that measure—

> "Some of the manufacturers have proposed that the inspectors, who they think ought to be appointed to insure compliance with any legislative regulation, should have power to inspect the factories, and direct what parts of the machinery should be fenced off, and that after such directions have been complied with the manufacturer should be relieved from further responsibility."

The Commissioners added—

> "We concur in the proposition for giving such power to Inspectors, but we do not concur in the proposal to relieve the manufacturer from responsibility."

The hon. and gallant Gentleman, therefore, was the person who originated the idea of a legislative enactment for the prevention of accidents in factories. Nothing could be more deliberate than the proceedings of Parliament. An Act—the 3 & 4 *Will.* IV.—was passed in 1833, after the Report of the Commissioners had been laid on the table, but no notice was taken at that time of accidents caused by machinery, nor any provisions introduced into the Act to prevent them, although they were both of frequent occurrence and serious in their consequences, and although they had been so pointedly referred to by the Commissioners. In 1841 another Committee was appointed to inquire into the subject, and that Committee recommended that the machinery in mills should be fenced, and even went into a discussion as to the mode in which it ought to be done. They proposed that upright shafts should be boxed, and that horizontal shafts, less than seven feet from the floor, should be guarded in the same manner. The then Secretary of State—the Marquess of Normanby—sent the Report of the Committee to the Factory Inspectors who had been appointed under the Act of 1833, with instructions to institute inquiries among owners, managers, machine-makers, operatives, and other persons connected with factories, and to report to him their opinion upon the propositions of the Committee. The Inspectors immediately went to work, and in the same year presented a special Report upon the "practicability of legislative interference to diminish the frequency of accidents to children." That Report showed the great care taken by the Inspectors to carry out the instructions of the Marquess of Normanby. They examined upwards of 100 millowners, managers, surgeons, machine-makers, and operatives, and there was not a single witness called before them who did not say that it was absolutely necessary that all vertical shafting, and all horizontal shafting, less than six or seven feet from the ground, should be boxed off in order to prevent accidents. Upon that point all parties were agreed; but in framing a Bill great difficulty was experienced in distinguishing that part of the machinery and gearing of a mill which ought to be fenced from that which might safely be left unfenced. The manufacturers were consulted by the inspectors as to the best mode of describing what ought to be done; and it was a fact that the Act of 1844—now sought to be mutilated—was based upon the definitions given by the masters themselves. That Act (7 & 8 *Vict.* c. 15) provided that all mill gearing should be securely fenced. A complaint had been made that it was allowed partly to remain in abeyance for a considerable time. There could be no doubt that the Act was not immediately brought fully into force, but the reason was that it had no sooner been passed than large numbers of the factory owners adopted a mode of fencing their machinery and gearing which had been invented for their interest, and therefore the Inspectors did not find it necessary to enforce all the provisions of the Act at once. It was important to remark that the 21st section of the Act of 1844 did not say that shafting should be left unfenced when six or seven feet from the floor, and so far it differed from the recommendations of the manufacturers. A great deal of mystification had been caused by the use of the words "boxing" and "casing." No such words were to be found in the statute, which simply said that mill gearing should be "securely fenced," leaving the masters to choose their own mode of carrying out that object. He believed that "box" or "case" would be sought for in vain in any one of the late Reports of the Inspectors. For several years after the passing of the Act it was not thought necessary to call upon masters to fence horizontal shafting seven feet from the floor, because it was believed that no danger could arise to the workpeople from gearing in that position; Mr. Saunders, one of the Inspectors, going the length of asserting that it was impossible accidents could happen from shafting so high up. But when they found that the most horrible accidents were caused by shafting not seven, but eight, nine, and even ten feet from the floor, the Inspectors became alarmed; their attention was called to the fact that many of those accidents were owing to their own neglect of duty in not putting the law fully into force; and at length, in 1854, the then Secretary of State, now at the head of the Administration, asked them for an explanation. Upon consulting among themselves they saw that they must take measures for preventing these accidents happening from revolving shafts seven or eight feet from the floor. They accordingly resolved to carry the law into effect, and to call upon the millowners to "securely fence" every portion of their gearing, whether above or below seven feet from the ground. An order was issued to that effect on the 31st January, 1854, and one of the first effects was the arrival in London of a deputation of the manufacturers, with a view of remonstrating with the Secretary of State on the subject. One error into which they had fallen was instantly corrected. They said that the millowners had received orders to box or case their machinery. It was explained to them that the order was not one to box or case, but, in the words of the statute, to "securely fence" their machinery and gearing. Lord Palmerston received the deputation, which was accompanied by nearly all the Members for Lancashire, with his usual courtesy, and listened with interest to the statements which were made to him. Mr. Gregg, the late Member for Manchester, was the first speaker, and he assured the noble Lord that accidents could not happen from revolving shafts placed at so great a distance from the floor as seven feet. One of the Messrs. Fielden and Mr. Walker, of Bradford, also addressed the Minister, and they told him that it would be extremely inconvenient to the owners, and even dangerous to the mills themselves, to box up the gearing, but that they had long since adopted a plan of fencing shafts by means of a strap-hook, which they thought would answer the purpose of securely fencing off the shaft from the dangers which occurred by contact with the strap. This had been used in Yorkshire a long time, and was generally adopted. Now, it was the fashion among the Members of the National Association of Millowners, as they called themselves, to sneer at strap-hooks and what they term "contrivances" of that sort, and to declare that they would never consent to a compromise. But the strap-hook was no new discovery; it was constantly referred to in the Reports of the Inspectors, and by the masters themselves, as a very secure mode of fencing the shaft as it fell from the drum. Lord Palmerston then communicated with the

Inspectors, and a second order was issued, distinctly explaining to the factory owners that the former order did not prescribe any mode of fencing, but merely required that the gearing should be securely fenced, leaving the masters to make their own selection. At the same time a sort of recommendation was given by the Inspectors that strap-hooks should be used. As if to prove the necessity of something being immediately done, scarcely a week had passed after the deputation to Lord Palmerston, when in a mill near Lancaster, belonging to a brother of Mr. Gregg—the gentleman who declared that no accident could happen from shafting seven feet from the floor—a man had one of his arms torn off and the other broken by an accident which might have been prevented by a strap-hook. Shortly afterwards—in February 1854—he received the following letter from one of his constituents at Oldham—

> "29, North Moor, Oldham, Feb. 20, 1854.
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> "Sir,—I wish to lay before your notice a misfortune that happened to a young man of the name of Thomas Schofield, while in the employ of the North Moor Mill Company, Oldham, by which he had his right arm torn off and his left arm broken in two places and dislocated at the shoulder, on the 10th of September 1852, for which he was under Dr. Rowtin, of Oldham, until May 2, 1853. If the shaft of the machinery had been guarded the misfortune could not have happened."

He immediately called at the office of the Factory Inspectors, and saw Mr. Horner, to whom he put a question on the subject. Mr. Horner turned to the surgeon's report of this accident, from which it appeared that not only had the accident referred to taken place, but the young man had sustained several contusions and bruises not described in the letter. He regretted to say that accidents of even a more serious character had occurred in factories belonging to Members of that House, and although it was painful to him to recite the particulars in the presence of those Gentlemen, yet he thought it would be more fair to cite instances occurring in the factories of Members, who might explain them or correct any inaccuracy, than instances occurring where the parties concerned could have no such opportunity. Last year a most shocking accident took place in the mill of the hon. Member for South Lancashire, who, if not a member of the National Association, was, at all events, one of the deputation to Lord Palmerston when the noble Viscount was assured that no danger could be apprehended from gearing placed seven feet above the floor. The accident was a fatal one.

Luke Carter, aged eighteen years, a minder of a self-acting mule, was the person who was killed. The principal strap which worked the mill had broken, and the unfortunate man was holding it, while a person named William Oates was piecing it, the strap being slipped off the drum on to the horizontal shaft. Luke Carter at the time was standing on the faller of the mule, which was six feet from the shaft; he suddenly became entangled with the strap, and was taken up, the strap embracing his head close to the shaft, and his body revolving with tremendous rapidity; his legs were both torn off below the knee, coming in contact with a steam pipe which ran the whole length of the room, four inches in diameter and a quarter of an inch thick, which was broken to pieces, his arms, ribs, and, in fact, the whole of his body being beaten almost to a pulp. Several pieces of bone and flesh were found in the room after the principal part of the corpse had been removed. He was quite dead when the shaft was stopped. The shaft was eight feet five and a half inches from the floor. Mr. Coles, the sub-Inspector, was directed by the Inspector to investigate the case, and his report was confirmatory of that of the surgeon, adding that—

> "the shaft was not cased, had no strap-hooks, nor any other contrivance to prevent the strap from falling on the shaft and lapping round it, which, if there had been, the accident could not have happened."

That was a case in which there was no strap-hook, and if one had been attached to the drum of the shaft there was little or no probability of such an accident occurring. In that case the body of the unfortunate sufferer was reduced to a mere quivering mass of flesh, and it was actually necessary to get shovels to place it in baskets and remove it in that manner. A case so frightful it was difficult to conceive, and yet it would have been prevented by the use of a strap-hook. That case was brought before the magistrates under the penalty clause, by which factory owners were liable to be fined for not having horizontal shafts securely fenced, and was dismissed on the ground that the shaft was that height from the ground at which it was said that no accident could happen. There was another case with which he would trouble the House. He read in the *Wigan Observer*, on October the 20th, 1855, that—

> "On Wednesday last an inquest was held at the house of Mr. Sutherland, the Victoria Inn, Pemberton, before Charles Edward Duffield, Esq., coroner, on the body of a young man named Michael Lacey. The deceased, when alive, resided in Princess Street in this town, but went to work at the new mill in Pemberton, which is occupied by Messrs. Gibbons and Brown, cotton spinners. The accident depriving the young man of his life occurred about three o'clock on Monday afternoon last. He was employed as jobber, and was in the act of standing on a ladder holding a strap off a shaft while a man named John Daley was tightening it at the end of the frame. A girl who was minding a frame in the same alley was eating apples, and so was deceased. Some other girls had been joking with him, asking for apples, when the young man threw a stalk at them. While he was thus reaching over, his shirt sleeve was caught by the shaft, which performs 160 revolutions per minute, wrapped deceased's arm round and took his body off the ladder. The unfortunate young man's head was taken off and thrown about seven yards distant from the place where the rest of his body fell. The left leg and arm were cut off, and the right leg was also broken off about the shin bone. The right arm remained attached to the trunk, and it was broken in several places. The remains had a truly frightful appearance. There was no blame said to attach to any one on account of the occurrence. The jury returned a verdit of 'Accidental death.'"

It was said that in that case there was culpable neglect on the part of the unfortunate young man; but surely it was only in accordance with reason that persons who used dangerous machinery should use even more precaution than masters generally were bound to take by law for the safety of those in their employ. Lord Campbell, in the Court of Queen's Bench, had decided that masters were bound to use the best precaution known at the time. It was unreasonable to expect that even adults should preserve such strict attention during the whole time that they were employed, and in the case which he had read the neglect of the young man was not so culpable that his life should have been risked. Another accident had happened in the mill of the hon. Member for Manchester, on the 12th November last, by which the arm of a boy, who was putting a strap upon a shaft, was nearly torn off, rendering amputation necessary; and these were accidents which had happened in mills where the shafts were more than seven feet from the floor. Since the House had adjourned for the Easter recess a dreadful accident had occurred in Bradford to a young man about sixteen years of age, which is described in these terms by a gentleman who had learned all the particulars of the case—

> "He was employed at the mill of Messrs. Addison and Sons, and, in the absence of the overlooker, he was attempting to put a strap upon the drum of a horizontal shaft while the shaft was running at full speed. Either from want of expertness, or from a slip, the strap missed the drum and fell upon the shaft. Instantly the strap coiled or lapped around the shaft, and dragged the lad round with awful rapidity, dashing him scores of times against the top of the room, or against the articles within reach, before the terror-stricken people at work in the room could run out to stop the engine. In this mill the owners had complied with the law in affixing the strap-hook generally, but on the particular drum where this accident happened this precaution had been overlooked, being quite an exception to the rest of the fencing applied to their horizontal shaft. Had the strap-hook been placed to the drum in question, the strap would have fallen from the young man's hand upon the hook and remained still and quite harmless. One of this firm had been requested by such millowners as had joined the Lancashire League or Association to proceed to London in support of the present Bill. But it was needless to say that Mr. Addison was fully convinced that not a single drum running upon a horizontal shaft ought to remain without the strap-hook or parallel rod, whether in Yorkshire or Lancashire, or any part of the United Kingdom."

These cases afforded to his (Mr. Cobbett's) mind ample proof that horizontal shafts should be fenced in some way or another, and the Inspectors of factories, the majority of the masters of factories, and the operatives themselves, were of opinion that strap-hooks would afford a great protection against accident. They had already been adopted by a large proportion of the millowners in Scotland; in Lancashire by nearly one-half of them; while, in Yorkshire, the adoption of them was the rule, and the absence of them the exception; would the House, then, consent to pass a Bill in order to relieve a small minority of the manufacturers of the kingdom from the necessity of any fencing? When it was found that millowners were going on from day to day fencing, would that House interpose to release them from an obligation which they seemed desirous of fulfilling? Under the Factories Act, 1844, by the 43rd Clause, power was given to the Inspectors to give notice to owners if they considered machinery dangerous, but it gave them no further power; and, in point of fact, after they had done so, the millowner might snap his fingers at them. If an Inspector gave such notice, it was provided that the matter should be referred to arbitration, if the factory owner pleased, and then what was called an award was made; but the millowner might please himself entirely about paying any attention to it; and would the House consent to placing mill-gearing on a similar footing? The hon. and gallant Gentleman had moved for a Return of the number of arbitrations which had taken place; but if he had asked for a return of the number of notices which had been given and not heeded, he would have found the number very much greater. The case had happened of an Inspector applying for penalties in a case where an accident had occurred after notice had been given; and what had been the result? Why the factory master proved that subsequent to the receipt of the notice and prior to the accident some alteration had been made in the machinery; and it was held by the justices that that alteration invalidated the notice. Now, it was impossible to identify machinery in all its parts, and thus by making some slight alteration the law could be evaded. In another case, the receipt of a notice was acknowledged by a millowner in a note, in which he said—

> "If the markets do not improve, I shall lock up not only the part of the machinery complained of, but the mill itself, and if any of the humanity mongers like to take it they may."

The Bill of the hon. and gallant Gentleman would remove all the dangerous shafting and mill-gearing from the 21st Clause to the 43rd, and the result would be that no protection would be afforded to the operatives. Now, how would an Inspector of factories go to work under the Bill if it passed into law? What was he to do? Why, it would be his clear duty to give notices in all those cases of dangerous mill-gearing, and the number of notices would be prodigious—in fact, absurd. If the Inspector neglected giving notice, and an accident occurred, he could not enforce the penalty against the millowner, and thus persons would be deprived of their contingent rights. The Inspector, therefore, if he did his duty, would be compelled to give all these notices, and, when given, there would be no power to enforce compliance with them. Now, should such a state of things be sanctioned by that House? The question was one which involved the interests of a large portion of the community, and he, as one of the representatives of a place the inhabitants of which were largely engaged in manufacturing pursuits, had felt it his duty to rise and enter into these details, painful as they were, with the view of endeavouring to dissuade the House from giving its consent to a measure which would have the effect of removing all precaution against the frequent occurrence of accidents so dreadful; and, for the reasons which he had stated, he begged to move that the Bill be read a second time that day six months.

LORD JOHN MANNERS, in seconding the Motion, said, that if he could come to the conclusion, with his hon. and gallant Friend (Col. Patten), that there would exist under his measure no more liability to danger in the case of the operatives than under the existing law, he, for one, should give to it his assent. It was, however, because he believed that no such proposition could be substantiated that he should give to the Amendment of the hon. and learned Gentleman who had just spoken his cordial support. His hon. and gallant Friend had told the House that considerable doubt existed in respect to the operation of the law as it stood; but he (Lord J. Manners) was of opinion that, since the late decision of the Court of Queen's Bench, no doubts upon the subject could fairly be said to prevail. He might also observe that his hon. and gallant Friend had not stated that any difficulty would be found in fixing strap-hooks to the machinery, or that the expense consequent upon rendering mill-gear safe would be very considerable. His hon. and gallant Friend further seemed to think that the accidents which occurred in our factories were not so great in point of numbers as those which took place in connection with other employments; but he (Lord J. Manners) should submit to the House that when accidents of the most dreadful character were from day to day taking place, they ought not, because some master manufacturers deemed interference in the matter objectionable, to consent to take the proposed retrograde step of protective legislation, and thereby to subvert a system which, whenever it was put into execution, afforded an important safeguard against the occurrence of those accidents. He should entreat the House not, by assenting to the Bill, to re-open the whole of the factory question, because it was perfectly evident that the Millowners' Association had ulterior objects in view, and that if the points embraced in the Bill were conceded, they would seek to advance still further in the matter.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. MILNER GIBSON said, that one reason why he should support the second reading of the Bill was because it did not re-open the whole factory question, but, on the contrary, enabled the present factory law to be carried practically into effect, and would place it in a position which, by the co-operation of parties interested, would give to the operative classes the full benefit of what the factory law intended to give them. There had been no complaint that the arbitration clause in reference to machinery did not work well. When notices were given and awards were made, were they ever neglected? On the contrary, was it not true that the awards were invariably attended to? He had no hesitation in saying that they were, for it would be a very serious thing for the manufacturer if accidents happened in his factory and fines were levied upon him. Mr. Horner reported, in 1855, that he was satisfied that the main requirements of the law had been well observed in his district, remarking that, out of 2,867 visits made in the course of the year, only twenty-eight instances occurred in which there had been wilful neglect of the law which made it necessary to lay informations. He went into the question of fencing horizontal shafts, and he stated that he regretted that some secure fencing was not provided for them. Now, it was a very difficult thing to obey the law when it could not be said what the law was. Mr. Justice Cresswell, who was a very good authority on such matters, had laid it down that when the shafts were out of the way of those working in the factories, that was enough, and there was no occasion for fencing. The Inspectors appointed by the Government differed from one another on the subject of secure fencing, and it was difficult, if not impossible, therefore, to say what it involved. Under the circumstances, he thought the millowners were entitled to great credit for commencing proceedings, with a view to obtain from the Judges what the state of the law really was. According to the last dictum, it seemed that it was the law in all cases to apply fencing to all mill gearing. That was to be the uniform rule. Upon that, Mr. Horner, the Inspector, had expressed an opinion that it was impossible. Well then, if an uniform rule could not be obtained, a discretion must be given somewhere, so as to have the law carried out as nearly as possible. Then arose the question who was to have the discretion—was it to be vested in the Inspector or in the millowner? or should it be vested, according to universal practice in such matters, in a third person, namely, an arbitrator, who should decide the case between the Factory Inspector on the one side and the millowner on the other. A great deal of general matter had been introduced into the debate, in a narrative form, in reference to what had taken place years ago on the subject of factory legislation. He thought that the House would do well to dismiss all such matters from their minds. The question was in a nutshell, and the House might be assured that if Parliament really desired effective protection under the law to be extended to the operatives of this country, the grand point to aim at was that it should have the confidence of the employers of labour, and that there should be a feeling on their side that there was no desire on the part of Parliament to persecute them. When Parliament had the confidence of the factory owners, which it would have if it proceeded in the spirit of this Bill, it would be found that they were the only persons who could give effect to their wishes in regard to factory legislation. He trusted that hon. Members would not be misled by appeals to their feelings in reference to accidents, which were certainly very horrible, but which had really nothing to do with the question under consideration. The interest of the millowners was to protect the lives and limbs of their operatives, and they would do all they could, as they had already done, to protect them to the fullest extent. The question the House had now to deal with was, whether arbitration was necessary to settle the disputes in question, or whether they should be left in the hands of arbitrators.

Sir GEORGE GREY said, the question had been in a manner forced upon him by various deputations. He did not believe that the Bill before the House was calculated to remove any practical protection from factory operatives; but the question raised by the Bill was, whether there was not an impossibility in carrying out the law as laid down by the Court of Queen's Bench, and whether there was not an uncertainty with respect to the interpretation of the law which required the interposition of Parliament. He apprehended that in passing the present measure the intention of Parliament simply was, that all machinery which involved danger to operatives should be securely fenced; but, unfortunately, the Act did not define what was meant by "securely fencing." The words "casing" and "boxing" were frequently used instead of "fencing;" but clearly they had not the same meaning, because it might be quite sufficient to fence certain portions, while other portions required to be cased or boxed. If it could be shown that the law as it stood was capable of being carried out, the Bill would be unnecessary. The 21st section of the existing Act required the fencing of certain machinery, and of mill gearing; and it was only to the latter provision that the Bill before the House referred. It proposed to transfer the provision as to mill gearing to the 43rd clause; but as that clause stood, a mill owner was not compellable to comply with notices or awards, though he was liable to a penalty under a subsequent section. Mr. Horner had given notices requiring the boxing off of all machinery, including horizontal shafts, at a certain height from the ground; but this had been afterwards withdrawn; and the whole of the Inspectors under his (Sir G. Grey's) direction, had issued a notice last month, stating that horizontal shafts above seven feet high need not be fenced, and that strap-hooks would be a sufficient protection for straps. That notice was signed by the four Inspectors in order to secure uniformity. There was great inconvenience, which millowners ought not to suffer, from the uncertainty of the law. Probably the Court of Queen's Bench had put the proper construction on it, that all machinery ought to be fenced; at the same time it was obvious that drums and pulleys could not be fenced. As to the Bill before the House, he feared if it became law it would, to a certain extent, diminish that protection to which the operatives were so justly entitled. It was evident that horizontal shafts, revolving at a height from the floor of seven feet, could be dangerous to no one, while the straps by which the shaft was driven really were dangerous; and of course it was desirable that that portion of the machinery which was dangerous, and near to which young persons were likely to pass, should be protected. Some of the difficulties surrounding the question might, no doubt, be met by the Legislature saying what should be taken to be secure, and enacting, for instance, that the system of strap hooks should be considered a sufficient safeguard. But then there was this difficulty in taking such a step—namely, that competent authorities were by no means uniform in their opinion as to what was secure and what was not; some advised one thing, some another, and in such a case it was not easy to say what course the Legislature ought to follow. There was one provision in the present Bill which certainly required amendment. It had already been adverted to by the hon. and learned Member for Oldham (Mr. Cobbett). It was proposed that, when the arbitrators had directed that certain shieldings should be placed round the machinery, the millowner failing to act up to that direction should be liable to extra penalty in the case of accident arising; but no penalty was imposed upon him for not at once acting in accordance with that direction. That was certainly an omission which would require rectification before the measure was in a fit state to become law. There were other points which would also require material alterations. If his hon. and gallant Friend would consent to some modifications in his measure, he (Sir G. Grey) would undertake to arrange with him such alterations as might be necessary, and would not object to the second reading of the Bill; because he thought that arbitration afforded the readiest and most satisfactory means of settling all those questions with reference to machinery and mill gearing which at present occasioned so much dispute and led to so much ill-feeling. Moreover, if that system were adopted, he believed that there would be a more general concurrence in carrying into effect the real spirit of the Factory Act.

Lord STANLEY said, that upon his own part, as well as upon that of his hon. and gallant Friend (Col. Patten), he was ready to accept the modifications which had been suggested by the right hon. Baronet who had just spoken. He (Lord Stanley) had willingly acceded to the request of his hon. and gallant Friend, that he should assist him in endeavouring to pass his Bill into law, because it seemed to him that the claims urged by the manufacturing masters were reasonable and just, and because he deemed it expedient that the measure should be introduced by some hon. Member who occupied an independent position as regarded the parties whose interests were involved. Nothing could, in his opinion, be fairer than the comments which had been made by the hon. and learned Member for Oldham in moving his Amendment, and the only fault to be found with the arguments which that hon. and learned Gentleman had advanced was, that they did not exactly apply to the Bill under the consideration of the House. The hon. and learned Member asked whether they were prepared to mutilate the Act which came into operation twelve years ago? Without entering into the question of mutilation, he (Lord Stanley) would simply observe, that after twelve years' experience of the working of an Act they might have some further insight into its operation than they had when it was passed. His noble Friend the Member for Colchester (Lord J. Manners) said, "Don't re-open the question;" but his (Lord Stanley's) answer to that was, that the question was open at that moment, and that this was not a backward but a forward step in legislation; because, practically, it was impossible to comply with the law as it now stood. By the proposed Bill protection was offered to the operatives where there was now no protection; the law as it stood was inconsistent with the facts of the case, the Bill sought to make it consistent; the law as it stood was uncertain in its operation, the Bill sought to make it certain; the law as it stood could not be carried into effect, the Bill sought to make the law practicable. They stated that the Inspectors were at present placed in an invidious position, inasmuch as they were in the discharge of their duties called upon to act both as prosecutors and judges, and that was another particular in which they wished to see some improvement effected. With respect to the machinery, he might observe, that there existed a broad distinction between the rule which applied to what was termed "mill gear" and the other portions of the machinery employed in our factories, inasmuch as in the case of those other portions the question of their being dangerous or not was a matter for arbitration, while in the case of "mill gear" the existence of danger was taken for granted, and it was obliged in all cases to be "securely fenced." So far was the distinction to which he referred carried, that in the case of a horizontal shaft, no matter how far beyond the reach of the operatives, and as a consequence how little dangerous, fencing was required, as appeared from the construction which had been put by Mr. Justice Coleridge upon the words of the Act of Parliament. Now, nobody would deny that "mill gearing" was in many respects dangerous; but he should assert that no such difference existed between it and machinery generally as to justify the separate mode of procedure which he had mentioned. He, for one, should not attach any blame to the Inspectors for the course which they deemed it to be their duty to take; but he should contend that the uncertainty of the law, which placed them in a position which they ought not to be allowed to occupy, ought to be as speedily as possible removed. With respect to the question of arbitration, the hon. and learned Member for Oldham had stated that no power existed to enforce the execution of the awards, and that the consequence was that they were, in many instances, of no practical avail. Now if that could be shown to be the case, he felt assured that his hon. and gallant Friend (Col. Patten), as well as the House generally, would be willing to consider favourably any proposition which had for its object the enforcement of compliance with those awards; but for his own part he must say, that neither from the Reports of the Inspectors or from any other quarter had he acquired any information which could lead him to the conclusion that the statement of the hon. and learned Member for Oldham was correct. All the promoters of the Bill desired, he might state in conclusion, was to relieve the manufacturers from a responsibility which in no other case prevailed; to relieve the Inspectors from the necessity of an invidious exercise of authority; and to render the law certain and capable of being practically enforced. Having done that, they were perfectly willing that it should be carried into execution with the utmost vigour.

Mr. HARDY said, he could not but think that the proposal of the right hon. Gentleman the Secretary for the Home Department (Sir G. Grey) left the matter much as he found it. The whole of the discussion had arisen out of the question relating to horizontal shafts, but those questions, when fairly looked into, would, he thought, be found to admit of a very clear answer. It was said that it was uncertain what was the meaning of mill-gearing; the great manufacturer who drew the 21st section of the existing Act certainly had a clear idea of its meaning, and amongst manufacturers very little doubt in truth existed. But even admitting the doubt, how did the present Bill propose to get over it? By referring questions which might arise to arbitrators. Now, he must confess himself at a loss to understand why the decision of an arbitrator should be so much more satisfactory than that of an Inspector, and why it was supposed that an arbitrator would be able to solve the difficulty so easily which as yet had been found so difficult. And even when the arbitrator had decided in one particular instance, how would the law be rendered clearer? His decision would not be binding. It would form no rule. As regarded its particular case it might be unexceptionable; but, with respect to the country at large, it would be ineffectual and of no authority. Even supposing the text of the Statute Law as it stood to be uncertain and doubtful of interpretation, it was framed in such a way that the opinion of a Court of last resort could be easily obtained upon it, and then all uncertainty was set at rest. If the manufacturers doubted the meaning of any particular provision, it was easy for them to try a question upon it, and having once obtained the opinion of the Superior Courts at Westminster, no further doubt could arise. But, in fact, the House had in its hands a very easy remedy for all future disputes. The general, almost universal, opinion of the manufacturers was, that a system of rectangular, or, as they were usually called, strap-hooks would be found sufficient to prevent all danger. He would suggest, therefore, that instead of opening a settled question, a simple enactment should be passed, declaring that rectangular hooks should be used in certain cases. By that means every possible doubt would be set at rest, and the end of the proposers of the present Bill attained. In conclusion he begged to thank the House for the patient manner in which they had listened to him on that the first occasion upon which he had had the honour of addressing it.

Mr. MUNTZ said, that the question was of the greatest moment, as all questions between master and servant inevitably were. The point, however, was very short. The whole difficulty arose upon the question of fencing the drums on shafts. Now, if they were fenced, the only result would be that in case of accident, which always arose in connection with the driving shaft, the man would have his brains dashed out against the fencing, instead of against the ceiling of the room. He would admit, however, that the present state of the law in this one matter was not satisfactory, and he would therefore suggest that a short Bill limited to this one question should be brought in.

Mr. CHEETHAM said, he thought he had some reason to complain of the manner in which the hon. and learned Member for Oldham (Mr. Cobbett) had gone into the details of the accident to which he had alluded at such length, seeing that the jury upon the coroner's inquest had found that the accident, from the evidence of the deceased's fellow-workmen, was attributable to the conduct of the deceased. The law, as it at present stood, was not only uncertain, but, in the opinion of practical men, could not be carried into effect. The accidents arose, not from the shafts, but from the straps; and it was very hard upon the millowners to be bound by the opinion of the Inspectors, who were not practical men, and who, in fact, knew little or nothing about the matter. At a large meeting of operatives a resolution was passed to the effect that any law to compel the fencing in of horizontal shafts, placed more than seven feet from the ground, was unnecessary, and would be attended with danger. The masters, therefore, were not at war with the operatives upon that subject.

Mr. BROTHERTON said, he had been actively engaged in connection with every Factory Bill since since 1816, and if he thought the present measure would lead to any infringement of the law he should resist it to the utmost of his power. His feelings and sympathies were with the working classes in this matter, but he must say he perfectly agreed with the sentiments expressed by the Secretary of State for the Home Department with regard to the Bill. All his experience and all the knowledge he could acquire led him to believe that the law could not be carried out in the sense in which this fencing was generally understood, and that if it could be carried out it would be productive of mischief rather than of good. He thought some modifications might take place in Committee upon the Bill, which would make it satisfactory to all parties.

Colonel WILSON PATTEN said, he was willing to assent to the proposition made by the right hon. Gentleman the Secretary of State, and agreed with him as to what should be defined by the law. The millowners did not at all wish to decline fencing in the case of any dangerous machinery; all they wished for was to be relieved from the uncertainty of the present law.

Colonel DUNNE said, he should move

the adjournment of the debate. Many hon. Members had not expressed their opinions upon the important subject with which the Bill proposed to deal, and he was desirous that an opportunity should be afforded them of doing so. For his own part, he believed the measure to be the prelude to an attempt to get rid of the factory laws altogether, and the first step towards the promotion of the objects which the Manchester Association had in view.

Mr. MONTAGU CHAMBERS seconded the Motion. He did so because he believed that the proposed plan could not be carried out, and the question required further consideration.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 9, Noes 198: Majority 189.

And, it being a quarter before Six of the clock, the Debate was *adjourned* till *To-morrow*.

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, April 3, 1856.

Minutes.] Public Bills.—3ª Delamere Forest; Secretary to the Poor Law Commissioners (Ireland).

TORTURE IN INDIA.

The Earl of ALBEMARLE moved, according to notice, that an humble Address be presented to Her Majesty for—

"A Copy of an Order, dated 5th July 1855, from C. I. Shubrick, Esq., Collector and Magistrate of Chingleput, to Streevansee Row, Tehsildar (Native Collector) of Pariapollium, a District in that Collectorate, directing him under Penalty of a 'severe Order' to collect the Government Loom Tax from certain Weavers in his District 'without leaving any Part whatever unrealised:'

"A Copy of Petitions, dated 1st August 1855, to C. I. Shubrick, Esq., in his fiscal Capacity, of several Weavers of Pariapollium, setting forth the cruel Tortures to which they were subjected by the Native Collector Streevansee Row, on the 27th and 28th Days of July, for the Non-payment of the Government Loom Tax, praying for a Respite from Payment on account of their Poverty, and in consequence of many of their Inhabitants having absconded from their Village:

"A Copy of the Depositions taken before the aforesaid C. I. Shubrick, Esq., in his Capacity of Magistrate, on the 23rd of August 1855, of Fourteen Weavers, respecting the Tortures inflicted upon them by the aforesaid Streevansee Row, on the 27th and 28th Days of July 1855, in order to realise the whole of the Government Loom Tax; which Evidence led to the Conviction of that Officer:

"A Copy of the Opinion, if such should have been given, by the Governor and Council of Madras, or the Court of Foujdaree Adawlut, or other superior Authorities, in respect to the Decision of C. I. Shubrick, Esq., joint Collector and Magistrate of Chingleput, in the Case of the aforesaid Fourteen Weavers of Pariapollium, by which the Tehsildar Streevansee Row was sentenced to pay a Fine of only Five Rupees (or Ten Shillings) for having collected the Government Tax on Looms by the Instrumentality of Torture from the Weavers in question:

"And to call the Attention of the House to the Nature of the Tax called 'Moturpha,' of which the Loom Tax is a Part."

The noble Earl said that he had two Notices upon the paper, one for that evening and the other for the 14th inst., both of which related to the same subject—namely, to torture in the Madras Presidency. The Resolutions which he intended to move on the 14th would be founded on a Report which had been laid upon their Lordships' table; but the papers for which he intended to move this evening had reference to fourteen fresh cases of torture of a much more recent date than any that were to be found mentioned in that Report, and had occurred so lately as the 27th and 28th of July last. He was, in fact, moving for documents of which he had copies in his own possession, the authenticity of which he had not the slightest doubt of; and his experience of the little information that is obtainable from the home Government on matters relating to India made him not at all sanguine that the papers for which he moved would be produced. He, therefore, rather availed himself of the form of this present motion, in order to bring forward such information as he possessed, and in order to strengthen the proposition which he wished to impress upon the minds of their Lordships—namely, that the disgraceful system of torture in India under the British Government could not be done away with without legislative interference. The tax for the non-payment of which those last tortures were inflicted was called "moturpha," an Arabic word sufficiently indicating the barbarous origin of the impost, which had been introduced into India by the Mahommedans. Lord Cornwallis, whose humanity was well known, on becoming Governor General of India, immediately perceived what a cruel and iniquitous tax this was, and very properly abolished it throughout the British possessions in Bengal. The date of its abolition in the Presidency of Bengal was 1793, and that of its abolition in

Bombay 1844. It had never had any existence in the North Western Provinces or in the Punjaub—the warlike character of the inhabitants of those districts having had some influence in making the fears of the East India Company more powerful than their cupidity; and that Company cautiously refrained from exciting those tribes by the levying of this impost. In Madras alone the tax existed—Madras ever memorable for excessiveness and tenacity of taxation. However, even in Madras there were districts not subject to moturpha; and in the district of Chingleput—the collectorate in which those alleged tortures had so recently been inflicted, so odious and oppressive was the impost felt to be that in 1844 the inhabitants rose against it, and this rising produced a tumult bordering on insurrection. He could assure the House that it was not without good reason that the natives objected to the moturpha. At the latter end of last Session he made a statement of considerable length with the object of proving the absurdity, the mischievousness, and the cruelty of this tax, but his appeal to a liberal and free trade Government had been unavailing. He would not now repeat what he had on that former occasion said, but would avail himself of the contents of a petition laid on the table of their Lordships' House in 1853, by a noble Earl who had filled the office of Governor General of India (the Earl of Ellenborough), and which contained a most masterly summary of the wrongs the unhappy people subject to it suffered under it. The moturpha, then, was a tax on trade and occupations, embracing weavers, carpenters, all workers in metals, all salesmen whether possessing shops, which were taxed separately, or vending by the roadside, &c.; some paying impost on their tools, others for permission to sell; extending to the most trifling articles of trade and the cheapest tools the mechanic can employ; the cost of which is frequently exceeded six-times over by the moturpha, under which the use of them is permitted. Among the implements deemed worthy of taxation was a barber's razor, probably not worth more than 2*d.* The petitioners complained not only of the absurdity of the tax, but of being compelled to go to the collector for a permit to use their implements of trade. Thus, the barber went to the collector to obtain a permit to use his razor, and might be kept waiting three or four days, during which time the razor had eaten its head off over and over again. However, the petitioners treated all these as minor evils compared with the inquisitorial character of the tax, which created a well-founded fear that, according to the pleasure or cupidity of an irresponsible collector, extortion and oppression might be practised. A good description of this tax was to be found in the evidence of Mr. Dyke, a very able Madras Civil servant, which evidence was to be found in the Common's Report of 1853. That gentleman stated that the collector had not the power of checking imposition, as he did not know whether the rate was just or unjust. Now, if ever there was a case where indulgence should be shown by a collector, it should be in reference to the collection of a tax of this sort. Such did not appear to be the conviction of Mr. C. I. Shubrick, the collector of the district of Chingleput. On the 5th of July, 1855, he thus addressed one of his deputies, Streevansee Row, a native collector—

> "You have left the whole loom tax, amounting to rupees 212 8 (£21 15*s.* 4*d.*), due on the Pariapollium village of your varlootz, uncollected;"

and further on he says—

> "As soon as you receive this tuckeed (order) you must go in person to the said village and collect the whole of the loom tax, without leaving any part whatever unrealised, and report the same. If you do not collect it as directed above, a severe order will be issued against you."

He (the Earl of Albemarle) did not know what Mr. Shubrick meant by "a severe order;" but it is quite clear that Streevansee Row did, and that he very wisely calculated on the immunity which his proceedings to realise the taxes would receive, accordingly, on the 27th July, he ordered the inhabitants of the Pariapollium village to appear before him. Fourteen of those unhappy people were caught and brought to his office, where they arrived at about eight o'clock in the morning, and they were immediately subjected to torture, or, to use the mild words adopted by the collector in his magisterial capacity, when the case was brought before him, "they were put under restraint." This "restraint" meant a punishment very common in Madras, and was inflicted in this way;—the victim stood in the sun, with his body bent forward toward the knees—thus placing the muscles of the human frame in a position which required of them an action that nature never intended them for. This was a cruel torture of itself, but it was frequently heightened by placing a weight on the back, near the neck, consisting of a stone about 12lbs. weight. He had asked one of the most distinguished surgeons in this country what the effect of putting a weight on a body in that position was, and he said it was like a severe blow on the spinal cord. Some of Mr. Shubrick's brother collectors did not view this punishment to be of quite solight a character as he seemed to imagine it to be; for Mr. Minchin, acting collector of Nellore, in reference to this torture, said—

> "Considering the heat of our Indian sun, the manner in which the blood must flow to the head in such a posture as that enforced, and the weight of the stone which is placed on the sufferer's back, I have no hesitation in calling such practice torture, and that not of the least painful description."

And in the next sentence Mr. Minchin justifies his opinion by relating the case of an old man who died a few days after the infliction of this torture upon him, he being a defaulter to the Government in the sum of 2 annas, 10 pice—or 5¼*d.* Five-pence farthing was the sum for which this victim had been sacrificed to the Moloch of Leadenhall Street. But not only were the weavers, to whose case he had now more particularly alluded, subjected to this punishment at a time of the year when they were exposed to the heat of the burning sun; but during the whole period in which they were kept in that position men were constantly employed in pricking their thighs—two to each victim. During this time they had to bear, not a stone's, but a man's weight on their back; and, though the period of their torture was from eight o'clock in the morning till nearly ten at night, they were during all that time, not only deprived of food, but had not even a drink of water to slake their thirst—a thirst rendered more intense by the unusual heat of the weather, and the acuteness of their sufferings. When, at last, the men were allowed to go to their meals, the physical torture they had suffered was succeeded by the moral torture of having the *cloaca* assigned as the place in which they were to eat them. They were at last allowed to go away for the remainder of the night, under the surveillance of peons, but on the following morning they were taken to their own village in order that the money which could not be obtained from the penniless wretches themselves might be extracted from others; for, as they said, in their petition to Mr. Shubrick, "they really had no money, and it was impossible to draw blood out of a stone by any process short of a miracle." Here their tortures were renewed with greater severity than the preceding day, till at last the women of their families, moved with compassion, parted with their ornaments, and obtained for them a temporary immunity. How long it was to last he knew not, because at the end of their petition they still prayed for a short respite until they could find the wherewithal to pay their dues. On the 23rd of August, 1855, all these cases came before Mr. Shubrick in his judicial capacity, and he would read the decision of Mr. Shubrick, dated the 5th of October—

> "Considering that there was a large balance against these weavers which they had endeavoured to put off paying, the tahsilder, after sending his peons to them, was obliged by order in the Revenue Department (this was his own order), to go and collect the balance from them himself. There is sufficient reason for believing that he may have put the petitioners under the restraint they complain of, and that the witnesses, though otherwise exceptionable, are in this instance to be believed. It will be sufficient to meet the requirements of the case if the tahsildar is sentenced to a fine of 5 rupees (10*s.*), and the peons who were his agents dismissed with a caution; and the same can therefore be ordered."

Thus, all the parties to the transaction he had described had virtually escaped scot free. This was the second appeal which he (the Earl of Albemarle) had made to a liberal and free-trade government. He implored of them to consider whether it was creditable to this country that so unjust, so absurd, and so inquisitorial a tax—one so repugnant to every feeling of humanity, and so utterly opposed to economical and political science, and yielding so paltry a sum, should continue to be levied; surely it was high time to put an end to so disgraceful a state of things. The noble Earl then moved for the documents of which he had given notice.

THE DUKE OF ARGYLL, in the absence of his noble Friend the President of the Council, could only say on behalf of the Government that there was no objection whatever to the production of the papers moved for by the noble Earl, except that they were not at present in the possession of the Government. Should the noble Earl be of opinion that the production of those documents would serve to throw additional light on the question of torture, a dispatch would be sent to the Indian Government for their production. With respect to the question of the moturpha tax, the subject of its abolition had been for a long time under the consideration of the Indian and home Governments. And he could not say that he dissented from the views put forward by the noble Earl as to the objectionable character of the impost, and he would be happy to see an end put to its collection. He hoped that, in a short time it might be done away with; but there were difficulties in the way of accomplishing that object, and he was, therefore, unwilling to give any pledge on the subject on the part of the Government, while he could bear testimony to their anxiety to abolish the tax. He would not, on the present occasion, enter into the question of torture in India, because the noble Earl had a notice on the paper which would bring that subject under the notice of the House on the 14th instant. A despatch, having reference to this matter, had been laid on the table of the House; and to make the papers bearing on the question more complete, he would now move for the production of the answer of the Madras Government to the despatch dated September 29, 1855.

The Earl of ALBEMARLE would not press his Motion if the Government admitted the authenticity of the papers from which he had quoted. He was very glad to hear from the noble Duke that this tax was to be done away with.

The Duke of ARGYLL had not said that. What he had said was, that he hoped it would be.

The Earl of ALBEMARLE supposed that they should look to others, out of doors, for that consummation. He protested against 1,000,000 of people being subjected to such oppression for a tax which in the aggregate amounted to only £112,527.

The Duke of ARGYLL thought that the question of taxation was quite different from that of torture. The imposition of a tax did not imply that it was to be levied by torture.

The Earl of ALBEMARLE believed the collection of this tax and the infliction of torture to be inseparable under the present system.

Motion *agreed to*.

Also Motion of the Duke of Argyll,

The Duke of Argyll

"That there be laid before this House, An Extract of a Letter from the Government of Madras to the Court of Directors of the East India Company, dated the 29th of December, 1855, No. 43; together with a Copy of the Inclosures on the Subject of the Torture Report (in continuation of the Paper, No. 51, ordered to be printed the 11th of March, 1856).

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 3, 1856.

Minutes.] Public Bills. — 1° Joint Stock Banks; Specialty and Simple Contract Debts; Poor Law Amendment; Fire Insurances; Bankers Compositions.
2° Drafts on Bankers; Factories.

GREECE—QUESTION.

Mr. W. EWART said, he would beg to inquire whether any measures were being adopted to procure the removal, by the Government of Greece, of export duties and dimes, stated in the Report from our Consuls as pressing injuriously on commerce with that country?

Viscount PALMERSTON: Sir, the subject referred to by my hon. Friend has been for a considerable time a matter of communication between the Greek and the British Governments, but up to the present time no satisfactory result has been obtained, and I fear that I cannot hold out to him or to the House any well-founded expectations that better success will arise, for such is the administrative capacity of those who at present rule Greece that there is no part of the Greek territory in which person or property is safe during any part of the twenty-four hours, except the three miles of road between Athens and the Piræus, which are patrolled night and day by the French cavalry.

TRADE WITH RUSSIA—THE ARMISTICE —QUESTION.

Mr. MITCHELL said, he wished to ask whether, British property to the amount of more than £1,000,000 being now locked up in Russia, it was the intention of the Government to continue the blockade of the Russian coast pending the ratification of peace; and whether, if the blockade is to cease at once, an arrangement has been made to enable British vessels to enter Russian ports for commercial purposes without risk of seizure?

Viscount PALMERSTON: Sir, the Congress yesterday extended the armistice to sea as well as to land. Hitherto the armistice has been confined to land operations, and has not extended to sea; and the reason is obvious. It was doubtful what might be the issue of the negotiations, and it was evident that if free communication by sea were permitted, a change of position might have been gained by the Russians which would have materially altered the condition of the belligerents in the event of a resumption of hostilities. The signature of the treaty of peace has fortunately put an end to all chance of a resumption of hostilities, and the Congress yesterday extended the armistice to sea as well as to land, and therefore, as a matter of consequence, the blockade has ceased. With regard to the second question of my hon. Friend, that is one which involves other considerations, and to which I am not at present able to give a reply.

REFORMATORY SCHOOLS—QUESTION.

Mr. MOODY said, he would beg to ask the Secretary of State for the Home Department whether any list of reformatory schools, certified under the Act 17 & 18 *Vict.* c. 86, had been sent to the metropolitan magistrates, to which they might send offenders convicted by them; and, if not, whether any such list would be furnished?

Sir GEORGE GREY, in reply, said, that no such list had been furnished to the Metropolitan Police Offices, nor were the Government in a condition to furnish it, as they were not able to say to what extent the necessary accommodation was obtainable in the neighbourhood of London. The hon. Member was doubtless aware that juvenile prisoners could only be received into the reformatories, supported by private contributions, with the consent of the managers. Such institutions were not sufficiently numerous to provide for all the juvenile criminals in the country, but they were, he was glad to say, increasing. There was a county reformatory about to be established in Middlesex, which, when completed, would, with the private reformatories, afford room for such juvenile criminals as were committed by the magistrates of that county. Of those who were now sent to the reformatories on the recommendation of the Middlesex magistrates, a large proportion went to the establishment at Red Hill.

ALDERSHOT CAMP BILL—QUESTION.

Mr. MACARTNEY said, he begged to ask the right hon. Gentleman the Clerk of the Ordnance whether he was aware that the map laid on the table of the House on the 4th day of March, purporting to be "A Plan of the Roads and Ways intended to be stopped and abolished, and others substituted," did not in any way exhibit such roads and ways; and, further, to know whether the necessary information could not be given by directing the engineer officers in charge of the district to place upon such plan the roads and ways referred to?

Mr. MONSELL said, the plans of the roads in the vicinity of the camp would be found to exhibit all roads that were recognised by the Board of Ordnance and the public; but it was quite impossible for any plan to show all the various tracks and pathways over the common. He could assure the hon. Gentleman that the Government were most anxious to consult the convenience of the proprietors in the neighbourhood. They had already been in communication with the principal proprietors, and had in consequence determined to lay down certain roads, of the plans for which the House would be put in possession before the Aldershot Road Bill went into Committee.

PRINTING EXPENSES—RETURNS.

Mr. WILSON said, he wished to impress upon the propriety of hon. Members taking care to assure themselves that the "unopposed" Returns for which they were in the habit of moving had received the sanction of the heads of the various departments to which such Returns related. He found that in his absence yesterday three Returns were moved for and ordered, the production of which would be attended with considerable expense. He thought the privilege of moving for Returns ought to be exercised with very great care. He was sure the hon. Gentlemen who had moved for the Returns to which he referred had been under the impression that they were unopposed by the Government; but as there was great objection to those Returns, he felt it his duty to move, that the orders for their production be discharged. The Returns to which he alluded were, one moved for by the hon. Member for Bodmin (Mr. Michell), and the other two by the hon. Member for the City of London (Sir J. Duke). The Return moved for by the hon. Member for Bodmin was for all the general orders made in the Customs Department since 1816, involving, of course, much detail, and which would occasion very great expense to prepare and print; and the two for which the hon. Member for London had moved were duplicates of papers already before Parliament.

Mr. DISRAELI said, he would suggest that in future the consent of the Government should be given in writing to Motions for unopposed Returns.

Mr. W. EWART said, he thought it more satisfactory to obtain the personal consent of a Member of the Government to whose department Returns might refer.

Lord JOHN MANNERS said, that some years ago it was agreed, that before any Member moved for a Return he should consult the librarian to ascertain whether such Return had been previously granted or not, and he had been under the impression that that course was still pursued.

The Motion of Mr. Wilson for the discharge of the orders was then *agreed to.*

TRANSPORTATION.

Mr. F. SCOTT said, that in bringing forward the Motion of which he had given notice, he considered that it was worthy of attention as concerning the state of crime in this country, and as involving the question whether the alarming increase in the number of criminal offences of late years was due to recent legislation or some other cause. The right hon. Baronet (Sir G. Grey) had given notice of his intention to propose an Amendment upon the Motion. His (Mr. Scott's) Motion was for a Select Committee to consider how far and in what direction recent legislation, and the substitution of other punishment for transportation, had influenced the existing amount of crime. The right hon. Baronet's Amendment was for a Select Committee to inquire into the operation of the Act 16 & 17 *Vict.* c. 99, intituled, "An Act to substitute in certain cases other Punishment in lieu of Transportation." He should have been glad if he could have adopted that Amendment; indeed, he would much rather, for his part, that the whole question had been in other hands than his own. But, as regarded the difference between the Motion and the Amendment, if the former were too wide in its scope, certainly the latter was much too narrow. The right hon. Baronet had limited his Amendment to the operation of an Act of Parliament which had certainly exercised a material influence upon the criminal jurisprudence of the country, but which might be expected shortly to expire; and his (Mr. Scott's) Motion, though wide, was neither vague nor indefinite. He would not now enter into a review of the operation of our criminal code of late years; but this passing remark he must make, that of late years the legislation and feeling of the country had universally tended to diminish the amount of punishment for crime, in the hope that by so doing they would diminish the amount of crime also. Unfortunately, however, he believed, that instead of crime decreasing with the diminution of punishment, the reverse was the fact; that crime had increased, and that, perhaps, the feeling of sentimentality in favour of the criminal, and the disposition to award a lighter punishment than the crime deserved, had tended rather to increase than diminish the amount of crime. Take in the first instance the case of juvenile offenders, and those who were subjected to imprisonment for the first time. He was inclined to think that a boy, when first imprisoned, was more likely to be encouraged than checked in his career of crime by the very briefness of the imprisonment; that, instead of becoming a reformed character he left prison, a confirmed offender, and that in that way the criminal list of the country became augmented. He had that morning seen, in one of the principal metropolitan prisons, a lad under fourteen years of age who was now in prison for the twenty-sixth time. His sentence was two months' imprisonment. He was employed in picking oakum, sitting all day long among some 150 others, and most probably teaching, rather than learning, bad habits to the less hardened criminals around him. It had been a great error in recent legislation with regard to crime, that all Committees of that House had carried on inquiries into isolated branches of the subject, and that the matter had not been taken up so as to enable legislation to embrace the whole question. But he (Mr. Scott) would venture to say, that though many of those reports were valuable, there was not one of them of a nature to enable the House to legislate on the larger subject, the main question, as to the cause of the increase of crime in the country. He had consequently felt it to be his duty to bring that question before Parliament, more especially as no one else had proposed to do so, and as the Government were silent on the subject, and its object was to seek a wider range by which general legislation on that most important matter might be effected. Therefore it was that he thought a Committee ought not to be appointed to inquire into the operation of the 16 & 17 *Vict.* c. 99, solely, but to consider how far and in what direction recent legislation, and the substitution of other punishment for transportation, had influenced the existing amount of crime. In one prison—that in which the lad he had just spoken of was confined —there were 900 prisoners, of whom 600 were women; 200 of them being in one room, and 100 in one dormitory; in one room were congregated those stained with every crime, the worse contaminating the better till the whole were leavened, there was the doubly, quadruply, quintuply convicted felon associated with the little vagrant of fourteen years old. That was in Tothill Fields Prison, where there were three wards, in each one of which were 200 women, some of whom were felons, confined together with vagrant girls, knitting and picking oakum for employment. Besides the boy who had been imprisoned twenty-six times of whom he had spoken, there were others who had been convicted sixteen or seventeen times. The subject was one that ought to be brought forward with a voice of more authority than his, and which ought to meet with the attention of the Government. The Committees which had sat on the subject were endless. There had been Committees to inquire into prison discipline, Committees to inquire into the condition of convicts, Committees to inquire into the state of crime in the metropolis, in the agricultural, in the mining, in the manufacturing districts; Committees on criminal and destitute children; Reports and Returns on convict prisons, Reports of Prison Inspectors, gaol reports and returns. Every year there was some Report, or some returns, or some papers bearing on the question, but it had not been found possible to pick out of all those documents any result, although there were enough of minute details. A Bill was passed one year only to be amended by another the next, and all because none of our legislation dealt with the general subject; and when laws were enacted they were such as were opposed to the opinions of the Judges and other persons of experience in the matter. It was curious to observe the course which punishment for crime had taken of late years. With regard to capital punishments; happily, between 1829 and 1851 they had decreased from 1 in 9 to 1 in 460; but the real fact was that they were only 1 in 4,600; for only one in ten who were condemned to death suffered the extreme penalty of the law. In 1829, the number of persons suffering punishment of less than six months' imprisonment was 50 per cent, but at the present time it was 70 per cent; showing that out of 23,000 convictions only from 16,000 to 17,000 persons underwent imprisonment from six months downwards. These numbers comprised only the convictions on the graver charges tried at assizes and quarter sessions—nothing is known of the larger number of summary convictions and the increasing amount of brief periods of imprisonment. In all the data on which the consideration of the question was founded, in fact, you formed your judgment not on the whole amount of convicted crime, but on only 25 per cent of it, for summary convictions were not included, and they were 75 per cent of the whole number of convictions. The data on which you went with regard to the amount of crime were, therefore, most inefficient, and fallacious. They, were, also equally deficient in relation to the cost of crime. The estimates for criminal expenses had more than doubled within the last eight years. They were, in 1848, £1,440,000; in 1856, £2,650,000. That, however, was not all that the country paid; there are charges for criminals, for prisons and police upon every separate county, city, and borough far greater than the Parliamentary Estimates. That was another reason why he (Mr. Scott) could not accept the Amendment of the right hon. Gentleman. Then there was another alarming fact. The increase of the population of this country, though rapid beyond any other country, except, perhaps, Holland and one or two more, was surpassed by the increase in the prison population; a most appalling fact after all that had been effected. There passed annually through the gaols of this country a greater number of criminals than the population of almost any one of the three counties first in alphabetical order in the list—Bedfordshire, Berkshire, and Buckinghamshire; and in twelve years the number of criminals who had annually passed through gaols in Great Britain was equal to the population of the county of Middlesex. Now that was a state of things which demanded an immediate and rigorous inquiry. In 1826 a Committee of that House, which was presided over by the noble Member for London (Lord J. Russell), stated that the increase of crime from 1815 up to that time, as compared with the period from 1804 to 1815, was owing to the peace, which had brought with it a number of disbanded soldiers. But 1854 and 1855 were not years of peace, on the contrary, they were years of war; and if peace brought such disastrous results as those in 1816, it might be expected that war in 1854–55 would cause a diminution of crime. But 1854 showed an increase of 10½ per cent on crime over the preceding year, and of 7½ per cent over the average of the ten preceding years. It was incumbent, therefore, with another peace at hand—which he hoped would be lasting—to inquire without delay into the causes of the increase of crime, with the view to legislating promptly for its prevention. The prison population of 1854 was not less than 110,000 persons; and taking adults and juveniles at sessions and assizes, there were, in 1850, no fewer than 142,094 persons confined, exclusive of criminals and debtors. In point of fact, the prison population amounted to nearly one in 144 of the population of the country. With respect to ticket-of-leave men, the Act 99 of 16 & 17 *Vict.* came into operation when there was employment in the Army, the Navy, and the Militia open to them without much inquiry; and it might have been hoped that this facility would have exercised a material influence upon the decrease of crime in the country. But such was not the case. Lord Brougham in one House, and the right hon. Member for Cambridge University in the other, had suggested lengthening the period of surveillance; but that suggestion had not been adopted. The number of convicts entitled to be discharged under the Act in the four years from 1853 to 1857 was 6,750; and it might have been reasonably hoped that the Government would have been in a position to show that the state of things had been ameliorated, and that the working of the Act was satisfactory. He knew it was supported by the great authority of Colonel Jebb, the inspector general of prisons, than whom the Government or the country had not a more able, efficient, or zealous servant, but he thought that Colonel Jebb had been carried away with too sanguine expectations. That gentleman had stated, that out of 3,829 convicts who had been discharged with tickets of leave, only 2¾ per cent had had their licences revoked, and that the Secretary of State for the Home Department having sent a circular to the visiting magistrates requesting that they would report every case of a licensed ticket-of-leave man who had been reconvicted, the number up to August, 1855, was 97; and up to October, 1855, it did not exceed 100 persons. But in calling on the visiting magistrates to report how many ticket-of-leave men were reconvicted, the Home Secretary gave the magistrates no means of knowing who were ticket-of-leave men, so that they had to grope in the dark, and had no means of making a proper return. Colonel Jebb added, in the same Report, that he believed a more rigid examination into the subject would establish the fact, that a far greater number than might be anticipated of these released convicts were doing well, because he was satisfied that the corrective training and discipline of the prisons had been attended ed with a marked success. What is the meaning of doing well—gaining an ample livelihood by any means, or gaining an honest livelihood?—the latter he greatly doubted. In a more recent Report, Colonel Jebb's statistics showed that about 8 or 9 per cent relapsed into crime; and he (Mr. Scott) was informed that the latest returns which the Government could supply would show that of 4,612 released convicts, only 258, or about 5½ per cent, had forfeited their licences. He certainly thought that that was a rather over-sanguine view of the matter, because he knew that in one county in Scotland it was stated that the reconvictions of prisoners amounted to nearly 100 per cent; while in France, Norway, and most of the English counties, the proportion was upwards of 30 per cent. He had written to the head constables of every county in England for information upon the subject. From three he had received no reply; five said that they were unable to furnish the information sought; and the head constable of a metropolitan county stated that, although he would be very glad to afford every information in his power, it was the policy of the Home Office to keep the constables in perfect ignorance upon the matter. The returns from other counties show that the relapses, instead of being 2¾, or 8, or 9 per cent, were actually 31½ per cent, which was, he thought, much more likely to be correct than the Government return. The Government, out of a feeling of consideration for the convicts, concealed their names; but when their names were concealed, how was it possible for the visiting magistrates to find them out? He believed, in fact, that they did not find them out, and that the return of 31½ per cent did not represent anything like the absolute number of ticket-of-leave men who again relapsed into crime. By the system pursued with regard to the ticket-of-leave men, the first knowledge that the police had of the release of a felon whom they knew had been prosecuted to conviction was, by accidentally meeting him at large. If the names of prisoners were concealed with the view of their being more easily absorbed in the population after their term of imprisonment was over, how were the visiting magistrates to know who were reconvicted or who not? and therefore any returns they could give were altogether fabulous. A wrong-headed system had been pursued in the legislation on this subject, for legislation had been carried on on a principle which was opposed to the opinion of all the authorities on criminal law. The law which was in operation had been abandoned against the opinion of the Judges, and another had been adopted which was also directly in the teeth of the opinion of those authorities; and that such a system should have resulted only in 31½ per cent of ticket-of-leave men being reconvicted was really astonishing. But the number of reconvictions was not 31½ per cent of all the ticket-of-leave men, but of all the cases that were known, for everything had been done to conceal those men from the notice of the police. The returns he (Mr. Scott) obtained were from the chief constables of the rural police, whose districts, as soon as ticket-of-leave men were known, they were forced to leave and go into the more crowded population of the towns. He had applied to the Metropolitan Commissioners of Police for a return of the number of ticket-of-leave men who were known in the London district and the number of those who have been reconvicted, but Sir Richard Mayne declined to give them; and it also appeared that no return was made to the Home Office of the number of ticket-of-leave men in the metropolitan gaols, as it was not wanted. With regard to the ticket of leave, the first thing a released prisoner did with it, after he received his gratuity, was to burn it, for it was to him a certificate of a bad and not of a good character. He (Mr. Scott) was acquainted with a ticket-of-leave man, and he knew that the first thing he did when he came out of prison, was to celebrate the event by a festivity in a public-house. He only did two days' work, and after that he got employed by a "fence;" and when the time came for him to receive the second instalment of his gratuity, the clergyman whose duty it was to pay it, said he did not like to give it him, for he knew he had not done a stitch of work for two months. But afterwards the clergymen stated that the man had come to church and taken to work, and that he had again hopes that the man would reform. He (Mr. Scott), however, thought that he only reformed sufficiently to entitle him to get the whole of his gratuity. The difficulty in dealing with this question was not so much with reference to the prejudice of the moral classes of society against ticket-of-leave men, as the feeling of the immoral classes against them. It was true that few, if any, persons liked to employ these men; but worse than that, there was a strong suspicion against them, on the part of their old associates, who did all in their power to lead them back into crime. It had been stated by the Governor of Parkhurst that a licensed boy stated that on his release his former associates in theft went to him, and would have compelled him to steal if he had not ran away, and joined a recruiting party, and enlisted for a soldier. That was fortunate for him; but there was now peace, and every man might not be able to go to a recruiting party. The system of keeping the police in the dark about ticket-of-leave men was a most unwise course, and was most unfair towards society, towards the police, and the ticket-of-leave men themselves. He believed that if the superintendence of the police over ticket-of-leave men was greater, farmers and other persons would more readily employ them. Besides, it was not expected by the country or Parliament that the law would have been carried out in the manner in which it was. That had been strongly urged by Earl Grey in a debate on the subject in the House of Lords, and he recommended a very different course to be pursued. The result of the system as it now existed was that the counties were increasing their police, and yet the amount of undetected crime was greater than in former years. To obtain some information on the question, he had inquired at the South-Western Railway of the amount of crime detected on their premises; and he found that, in

1853, there had been two criminals discovered; in 1854, six; in 1855, twelve; and in the months of January and February, 1856, the number was six; so that there were three times as many criminals in the first two months of the present year as there had been in twelve months two years ago. The duties of the police had been increased on account of the ticket-of-leave men, and, in fact, there had been distributed through the population a number of professors and teachers of crime. There had likewise of late years been an alarming increase of crime. He did not mean to say that that was the case with regard to crimes accompanied by violence, but with regard to felonies, such as larcenies and so on. He had before him some remarks of the late Mr. Serjeant Adams, written a fortnight before he died, who said that the public were not aware of the state of crime in the metropolis, or that the criminal population formed a distinct educated, well-trained class; that it was necessary that our criminal system should be reconsidered, since transportation had been done away; the consequence of which was that every ticket-of-leave man was a professed thief from the time that he was released. It would seem, then, that by this system you were rather inoculating and infecting the remainder of society with crime than reforming the ticket-of-leave men themselves. It had been lately announced that henceforth those who were sentenced since 1853, for a given term, should not receive their discharge at the end of the shorter period of penal servitude; but he thought such an alteration would inflict a relative injustice upon them as compared with others who had been sentenced, perhaps for the very same offence, to the same punishment, and who were allowed to go at large before the term expired. If it were true, as had been alleged, that the hope of having a part of his term of punishment taken off in consequence of good conduct was an effectual motive to induce the criminal to reform, why should the Government commit the inconsistency of excluding a number of criminals, in whose cases no distinction could be found, from the operation of a system which was asserted to have been successful? As for the difficulty which the ticket-of-leave men experienced in finding employment in the world, it was stated, at the interesting meeting held in St. Martin's Hall, of which some account had been given by Mr. Mayhew, that the ticket-of-leave men who appeared there were chiefly hawkers and costermongers. The poor fellows could not find any more regular occupation; for who would take a butler or a clerk from Pentonville, or a nursery-maid who came out of Millbank House of Correction? They were driven to that sort of *quasi* occupation, hawking things about, and they carried it on at some disadvantage, for it seemed their feelings were so tender, that a ticket-of-leave man would feel very much hurt if he carried a basket or a bag by the police attempting to see what it contained. In order to show the opportunities which offer, and the temptations incident to hawking, and the object for which the traffic may be pursued, he would mention what came under his own view. He (Mr. Scott) once met one of those hawkers with a basket of dishes and plates, or some such articles, coming into the garden of his house, and said to him, "You had better not come here; there are no customers here for you." The man then turned towards the back of the premises, and he (Mr. Scott) said to him, "You will find no customer there but the bloodhound, and he is rather an ugly one." The fellow then went away, and a few days afterwards he (the hon. Gentleman) saw him again, when brought up before the magistrates; indeed, it was no other than Levi Harwood, who some months later was hanged for murdering a clergyman at Frimley. These were the hawkers; and it was not fair on the ticket-of-leave men that they should be obliged to resort to occupations in which they were constantly tempted by such opportunities to crime, prowling about people's houses, as they did, looking at the doors and windows, and seeing how they might break in. In Scotland, he believed, for two years past, hardly any great offence had been committed which was not to be traced to one of the ticket-of-leave men. There was a reciprocity between convicts; the ticket-of-leave man for Berwickshire, for example, would go into Northumberland to commit his crime, and send the Northumbrian to do the like in Berwickshire; the ticket-of-leave men going from one county into another, to practise their depredations more safely, because less known. It was, therefore, important that, if the ticket-of-leave system continued, the Government should obtain and afford the local constabulary the most accurate and detailed information of their habits and places of residence, and all their proceedings; and that the ticket of leave should be made a real security, as it ought to be, renewable from time to time, it might be every three months, instead of being issued once for all, as the custom was at present. It had been said that under the existing system the tickets of leave might be revoked whenever the convict was found in bad company; but he would ask the right hon. Baronet the Home Secretary in how many instances had that been done? He believed that as yet there had been only two revocations of the ticket of leave, without a conviction of some fresh offence, out of the whole number of 400 or 500 tickets which had been granted. And in order to show the reluctance of Government to keep watch over these men, he could mention a case where a ticket-of-leave man was tried, but whom the jury did not convict; he got off by a flaw in the indictment, and the Judge who tried him wrote to the Secretary of State, saying that there could be no moral doubt of his guilt; and yet, against the Judge's recommendation, the ticket of leave was not revoked. There was an instance of revocation of licence from a man who harboured a murderer, but even that was not done until public remonstrances were made upon the subject. It was a man in Gloucestershire, to whose house an acquaintance, who murdered an old woman, had resorted shortly before the murder, and to whose case public attention was particularly drawn by a letter to *The Times*. It was only in these exceptional cases that the Government had revoked the ticket of leave without a conviction. He (Mr. Scott) trusted that he might have been misinformed as to the number of tickets which had been revoked; but he was convinced that the Government did not exercise over this class of persons that surveillance which was exercised over criminals by the French Government, and without which it was not safe to allow such persons to be at large in a populous country. He objected to limit the inquiry as was proposed by the right hon. Baronet (Sir G. Grey), because there were, in his opinion, other causes of crime to which it ought to be extended. One of these was the influence of the ablebodied wards in our workhouses. He believed that a statement made by the chaplain of Reading Gaol, that the ablebodied women's wards were most contaminating places, was perfectly true. This opinion was confirmed by the statement of a master of a workhouse, who doubted if they were contaminating, because all the women who came there were so bad already, that scarcely two in fifty were otherwise. Another subject into which the Committee ought to inquire was the shortness of the terms of imprisonment imposed upon children. Eighty per cent of the young persons committed to prison were so committed for periods of less than a month's duration, just long enough to ruin their character and render them familiar with a gaol, without doing them any good. A further subject for inquiry was the labour performed by prisoners. Let the House contrast the cases of two labouring men, one in and the other out of prison. The latter had to work in all weathers for about 10*s.* a week, on which he probably had to maintain a wife and family; while the former, if sentenced to a period of six months' imprisonment, had something like luxury within his reach. A special committee of magistrates on one of the metropolitan gaols reported, in the year 1854, that, during the winter, the prisoners usually passed fourteen hours in bed. The honest working man would spend only six or eight hours in bed. Picking oakum, too, though not a pleasant occupation, was not such severe work as was often performed by honest labourers. But, then, what were we to do with our prisoners? On that subject the Committee might, he thought, properly inquire whether in this country other employment could not be provided for them than that in which they were associated in large bodies, as at present. In France convict labour was applied both to private and to public works, and he could not see why we should not apply it in the working of slate quarries, the working of iron ore, draining Irish bogs, and reclaiming waste land. With regard to private reformatories, he thought those institutions were of the greatest possible advantage, and did much to reclaim and reform the criminal population; but they alone were not sufficient. That brought him to the consideration—had we done right in abandoning transportation? For his own part, he thought it a great mistake on the part of the colonial authorities to have abandoned transportation, and at the present moment, when, from the disbanding of so many soldiers, a considerable increase of crime might be anticipated, it was very advisable that Parliament should reconsider the law on this subject. The Judges of the three kingdoms, as well as the Recorders of our cities and boroughs, were to a man oppos ed to the abandonment of transportation. [Sir G. GREY remarked that it was not altogether abandoned.] Yes, the Government still maintained the system in the case of those sentenced for fourteen years and upwards, but his belief was, that they had much better sentence to transportation those who were young in crime and who would help to build up an honest and moral population, instead of letting them loose again in this country to resume their old courses and become confirmed offenders. It was said, the Australian colonies would not take our criminals, but those who stated this did not reflect that Australia was very nearly as large as all Europe put together. Surely our criminals were not to be excluded from such an immense extent of territory. Nothing could be more satisfactory than the account given by the Governor of Western Australia of the capacity of that colony to receive them. That gentleman rather asked us to send out more convicts than to hold our hands, and he stated that, notwithstanding the number of convicts admitted there, the social condition of Western Australia might undergo comparison with any other part of Her Majesty's dominions. That state of things the Governor ascribed to the amount of liberty enjoyed by a ticket-of-leave holder so long as he conducted himself with propriety, and to the severity with which the magistrates dealt with those who relapsed into crime. The probation there was much more severe, and the surveillance, when a man obtained a ticket of leave, more accurate, than were thought necessary in our own densely peopled country; and that he considered was a point of much importance, and ought to receive consideration at home. Colonel Jebb, in a late Report, declared that under the present system of discharge the majority of juvenile offenders found their way back to their old haunts, undoing in a few weeks all the efforts made to eradicate their old habits during their period of confinement; and he regretted that circumstances had arisen which prevented those young men from recommencing their career in a distant colony. He (Mr. Scott) thought, then, that the Government ought to take into consideration the propriety of re-establishing transportation as regarded both women and those young offenders who were sentenced for a shorter period than fourteen years. They would also, he believed, do well to imitate the example so successfully set in Belgium, and establish a reformatory of their own. When they considered how large a criminal juvenile population existed in England, he thought every one must admit that the reformatory system in this country ought to be taken up by the Government. Government ought to adopt something like the institution he had alluded to, and not leave so important a social duty to be discharged by mere private benevolence. Reformatory schools should be established for minor offenders. It was well known that the county of Middlesex had obtained an Act of Parliament two years ago for the establishment of reformatory schools; but there had been such a laxity and such tardiness on the part of the county in carrying out the provisions of that Act, that he thought it the duty of Government to propose a measure of a more national and extensive character for the reformation of children convicted of minor offences. He feared he had detained the House much too long on the subject, though he thought they might occupy themselves with great advantage in discussing a question which involved matters of deep interest to the social well-being of the community. He had endeavoured to point out to the Government the line of duty they ought to take, and that it was incumbent upon them to establish reformatory institutions of a national character, whereby children who had neither parents nor guardians to protect them might be protected by the State in habits of honest industry rather than as offenders in gaols. He would now beg to thank the House for having afforded him the opportunity of bringing this important question forward, and should conclude by moving that a Select Committee be appointed to consider the substitution of other punishment for transportation.

MR. LLOYD DAVIES in seconding the Motion said, impressed as he was with the great importance of the subject, he exceedingly regretted that the right hon. Baronet the Secretary of State for the Home Department, who had placed an Amendment on the paper, should not have taken a more enlarged view of the question and one which would have embraced the entire object which was sought to be attained by his hon. Friend, the Member for Berwickshire. At the same time he was sure that no one was more deeply impressed with the gravity of the subject than the right hon. Baronet. But if the labours of the Committee were restricted to an inquiry into the operation of the Act of the 16 & 17 *Vict.*, c. 99, which substituted in certain cases other punishment in lieu of transportation, he much doubted whether any practical good would result. The object of his hon. Friend (Mr. F. Scott) was not to institute an inquiry merely as to the operation of that Act, but to inquire as to what were the best means of preventing the increase of crime. He, however, hoped, that no division would take place on the present occasion, but that his hon. Friend would be induced by what might fall from the right hon. Baronet, to withdraw his Motion, and adopt the course which the Government suggested. He would trouble the House with a few statistics on criminal offences. Previous to the passing of the enactment he had alluded to, crime was increasing with rapid steps. The commitments from 1834 to 1840 were 162,502; from 1841 to 1847 they were 193,445, being an increase of 30,943. From 1848 to 1854, the commitments were 196,864. The increase in 1854 over 1853 was 2,302; which, added to the increase between 1840 and 1847, made a total increase of 33,245. The rate of increase of population was a duplicate in fifty-eight years; while crime doubled itself in this country in sixty-four years. So that crime and population nearly kept pace with each other, and unless something was done to arrest the progress of crime, the social condition of society would be deplorable. The Returns that had been made in the other House of Parliament established the fact that the ticket-of-leave system had been an eminent failure, and that there could be nothing more unhappily had recourse to for the end desired. Those Returns showed that since 1853 licences or tickets of leave had been granted to 5,052 convicts; 447 of those had been since convicted, or charged with subsequent offences; 179 of the licences had been revoked, and 554 had been refused or withheld for misconduct; so that no less than 1,180 convicts out of 5,152 had been found unworthy of tickets of leave. That Return was pregnant with matter in regard to the state of crime in this country. A few days ago an hon. Member stated that in one night four attempts had been made on his house by a ticket-of-leave man and two others—his coadjutors. If it were asked how it was discovered that the man was a licensed convict, that was answered by the fact that the party was taken up the very next day for another offence. Was such a system, he would ask, to be encouraged? Was every honest householder to be exposed to the nightly attacks of hardened men, who, after having perpetrated every description of crime, were let loose to renew their plunder on society? If, indeed, the Government were restricted in their means of employing convicts to the limits of this country alone the difficulty of the question would be very greatly increased; but that was not the case. There still existed the means of sending criminals abroad, if the law itself had not imposed any restriction. One object, therefore, of a Select Committee would be to ascertain to what places such criminals could be sent, and what were the best means of sending them to those places. But, even if it were not advisable to send convicts abroad, was it true that there were no means of employing them in this country? Let them be employed on public works, and let it be distinctly understood that a certain rate of remuneration would be made for their labour—part of it to be applied to their own sustenance while under sentence, and the remainder to accumulate to their advantage and to be received by them when the term of their sentence should have expired. By that system the principle of self-interest would be appealed to, and the best incentive to good conduct be afforded. But by the existing system a man, on the expiration of his sentence, was turned back upon society a beggar, and his only resource was to seek his former associates and resort to his old vicious pursuits. Would it not be much better to devise, if possible, some means of giving useful employment to such criminals, that they might at least have a chance of again returning to society reclaimed and better men? In the hope that a Select Committee might be able to accomplish that most desirable object, it was with much pleasure that he seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed, to consider how far and in what direction recent Legislation, and the substitution of other punishment for Transportation, has influenced the existing amount of crime."

SIR GEORGE GREY: I quite agree, Sir, with the hon. Gentleman who has seconded the Motion, in hoping that there will be no division upon this question. I think it very unnecessary that there should be a division upon it. My apprehensions, in reference to the terms of the Motion of the hon. Member for Berwickshire (Mr. F.

Scott) have been fully confirmed by his speech and the speech of the hon. Member for Cardigan (Mr. L. Davies). I was afraid, looking at the notice the hon. Member for Berwickshire had given, that, by assenting to the Motion we should commit ourselves to a very vague and indefinite inquiry, including an immense variety of subjects, probably occupying the remainder of the Session, and merely leading to the accumulation of a great mass of evidence, without any practical result. In addition to inquiring into the operation of the Act of 1853, which abolished transportation in a large majority of cases, substituted penal servitude, and authorised the granting letters of licence to convicts, or, as they are more commonly called tickets of leave, the hon. Member for Berwickshire proposes to inquire into the whole subject of reformatories, into the workhouse system, which he thinks has a great tendency to promote crime, and, indeed, into all collateral matters in any way relating to the criminal population of the country. Now, Sir, if a Committee was appointed with the views of the hon. Member for Berwickshire and the hon. Member for Cardigan, I do not see why they should not inquire into the licensing system, because nothing is more common and, I am afraid, more true, than the assertion that the number of public-houses and beer-shops tends to the increase of crime. There is scarcely a subject into which inquiry might not be made by a Committee appointed in the terms of the Motion of the hon. Member. I think, therefore, it is desirable to define and limit the inquiry, so that the labours of the Committee may have some practical object and result. But, in saying that, I have no wish to exclude from consideration subjects which really have reference to secondary punishment and the treatment of convicts. I do not think the Amendment which I shall propose will have that effect, but, if there be any doubt, I shall be very ready to enlarge its terms, and thus, I hope, obviate the necessity of any division. It will be much more satisfactory to have the details of the operation of the Act of 1853, regulating the present system of secondary punishment, in the form of a Report from a Committee, than in a speech delivered in this House; but I must be permitted to say that exaggerated notions as to the increase of crime seem to be entertained, which are not warranted by documentary evidence, and are inconsistent with fact. In the criminal returns prepared by Mr. Redgrave the total number of commitments for trial in each year for the last twenty-one years is shown, excluding summary convictions, but including, of course, the graver offences disposed of at sessions and assizes. In judging of the increase of crime, not merely the number of persons, but the nature of the offences should be borne in mind. I will not go through these figures year by year, but I will take one or two years at intervals. In 1834 the number of commitments was 22,451; in 1854, 29,359. There is certainly an increase of offences, but the important element of the increase of population is not stated. I will take the two years of the decimal census. In 1841 the number of commitments was 27,760; in 1851, 27,960; and in the interval the population of England and Wales increased more than 2,000,000. No doubt, last year, there was an increase of 2,000 in the number of commitments as compared with 1851, but that increase is explained in detail in the Report of Mr. Redgrave, who, in the course of it, observes that it is a satisfaction to know that offences attended with violence have, on the whole, decreased. With regard to the increase of expense now incurred in the punishment of criminals, as compared with former years as alluded to by the hon. Member for Berwickshire, it should be borne in mind that while the Act of 1853, abolishing transportation in many cases, required the erection of buildings, and the creation of new establishments, those expenses, once met, will not again recur to the same extent. No doubt the detention of criminals in this country does cause considerable expense; but that is a necessary result of the change of the law. It should also be borne in mind that comparisons of the expense now with the expense ten or twenty years ago are not fair, unless the transfer to the Consolidated Fund of the charges for the maintenance of all convicted prisoners and for prosecutions be taken into account. The hon. Member for Berwickshire objects to the limitation of the inquiry to the operation of the Act of 1853, because he says that Act is an expiring Act, and that as transportation is abandoned the licences will gradually diminish and finally be altogether extinguished. I would remind the hon. Member that the main object of the Act of 1853 was not to enable the Crown to grant limited and qualified pardons, under licences, to convicts sentenced to transportation, but to abolish transportation in all cases in which the punishment was less than transportation for fourteen years. The great majority of sentences passed at assizes and quarter sessions were sentences for less periods; and, consequently the Act of 1853 did practically abolish transportation in six-sevenths or more of the cases before liable to transportation. Well, Sir, what has been the result? In 1854, in England, Ireland, and Scotland, 399 persons were sentenced to transportation; whereas, in the year preceding the enactment there were no less than 3,059 persons so sentenced. I think that a most important change, but I collect from the speeches both of the hon. Mover and the hon. Seconder of the Motion that they wish to revert to the system of transportation instead of adhering to the system of penal servitude. The hon. Member for Berwickshire says the system of transportation was hastily abandoned, without regard to the opinion of the Judges, who, before a Committee of the House of Lords, unanimously expressed their sense of its value and importance. So far from its being hastily abandoned, it was absolutely impossible for the Government to adhere to the system of transportation without becoming involved in a serious quarrel and contention with some of our most important colonies in Australia. In the statement that transportation to Western Australia is almost abandoned, I can assure the hon. Member he is totally mistaken. Every convict fit to undergo hard labour is sent to Western Australia, the colonists being most anxious to obtain their services in the erection of public works and the making of roads, with a view to render the colony more inviting to free settlers. A great inconvenience in administering the law arises from the large number of criminals who, from their previous habits of drunkenness and debauchery, or from other causes, have so worn out their constitutions that they are really unfit for hard labour, and are obliged to be treated comparatively as invalids. They are not capable of that labour which is alone useful to the colony and is the only inducement to the colonists to receive them, and, we have not been able to send out a sufficient number of ablebodied convicts to meet the present wishes of that colony. I do not think it likely we shall revert to the system of transportation as it existed before 1853, but it is quite clear that, under the terms of my Amendment, the Committee will be able to consider the expediency of the change. The hon. Member for Cardigan (Mr. L. Davies) has misapprehended the result of the return of the number of convicts who have received tickets of leave. He says that of 5,152 ticket-of-leave men 1,100 or 1,200 had been found unworthy of the privilege. The 447 convicts who, after receiving letters of licence, have been convicted of or charged with subsequent offences, comprise all whom we know to have been committed for trial. There may, no doubt, be others who have brought themselves within the same category and who ought to be classed accordingly, but who may have escaped observation. Where ticket-of-leave men are again convicted of crimes which render them liable to sentences extending beyond the term of the former sentence, the licences are not revoked. Such a revocation would be superfluous, for, when the new sentence is passed, the old is merged in it as a matter of course. The 179 described in the return as convicts whose letters of licence have been revoked are included in the 447. They are prisoners who have been convicted of assaults, petty larcenies, and minor offences, and sentenced to terms of imprisonment shorter than those of their original sentence. Their licences, or tickets of leave, are of course withdrawn, and after enduring the punishment due to their subsequent offences, they are remitted to their former sentence. The number of convicts whose licences have been refused or withheld is 554. These are convicts from whom, owing to bad conduct in prison, their tickets have been withheld beyond the usual time, and who have never been at large. It should be remembered that there is a fixed period at the expiration of which the convict who has received a favourable report from the prison authorities is held to be entitled to a letter of licence, as was the case under the Australian transportation system. The period of imprisonment is proportioned to the length of the original sentence. It is a mistake to suppose that licences or tickets of leave (as they are usually termed) are awarded upon proof of reformation. Such an opinion is often entertained, but is wholly without foundation. They are withheld in cases of very bad conduct, but the grant of them must not be taken as a necessary indication that the recipients are reclaimed. In the great majority of cases convicts, unless they have transgressed the prison regulations and acted in such a manner as to incur an unfavourable report from the prison authorities, are, after a stated period of imprisonment, entitled as a matter of course to a ticket of leave. The reason is obvious. As long as a man is confined in a prison, where he is denied the opportunity of getting drunk and of associating with those who might lead him into temptation, he is evidently so circumstanced that it is impossible for him to afford the means of arriving at a satisfactory conclusion as to whether his reformation is genuine or not. No doubt the earlier returns laid before Parliament with respect to ticket-of-leave convicts were necessarily defective, owing to the want of accurate information; but I last year sent a Circular to the governors of all the prisons in the Kingdom, directing them to forward to the Home Office a Report of every case in which a man with a ticket of leave is again committed to prison, by which means more accurate information is obtained. An impression has gone abroad that it is usual to set the police on the track of these men, but this idea is altogether erroneous. The object of granting the licence is to give the convict a chance of obtaining an honest livelihood, and I am happy to say that since the Bill passed the demand for employment has been such that there has been no great difficulty in an able-bodied man getting honest occupation somewhere or another. In the metropolis the police have orders not to interfere with the ticket-of-leave men when there is reason to believe that they are sincerely desirous of procuring an honest livelihood. In cases where the police know a man to be the holder of a ticket of leave, and see that he is leading a suspicious life and associating with known bad characters, they have orders to warn him of the consequences to which he renders himself liable. The usual practice is to revoke the licence only in cases of conviction, but there have, no doubt, been cases where it has been withdrawn from men who associate with notorious thieves and are evidently leading a life of crime. It has been alleged that there is an injustice in giving a ticket of leave to a convict sentenced before the Act of 1853 to transportation, and in withholding it from one sentenced to a similar offence to penal servitude since the Act; but those who made this objection forget that the sentence in the former case may have been transportation for ten years, and in the latter only penal servitude for four. To have given the same privilege of conditional liberty to each of these offenders, so differently circumstanced, would have been manifest injustice. The sentence of penal servitude represented that portion only of a sentence of transportation which was spent in this country before the removal of the convict to a colony with a ticket of leave. The views of the Government which introduced the Act are so clearly expressed in the speech of the Lord Chancellor on the 11th of July, 1853, that I cannot do better than read an extract from it:—

> "The usage has been that a great portion of the persons sentenced to transportation have not been, in fact, transported. A person who is now sentenced to transportation for fifteen years may be kept on public works for the fifteen years if the Executive think fit, though in practice that has never been done. Carrying out this practice, and sanctioning by legislative enactment what has been practically done, I have thought, in conjunction with my Colleagues, that a reasonable course would be to impose on persons who might now be transported a sentence as nearly as possible conformable to what would have been done by the Secretary of State in cases where the sentence of transportation has been pronounced but has not been carried into effect. The ordinary course has been this—that, where a party has been sentenced to transportation for seven years, he has been ordered to be imprisoned for two years, being kept during a part of the time in separate confinement, according to certain reformatory principles; then he has been sent for a year, a year and a-half or two years to public works at the hulks, or to Dartmoor, Portland, Pembroke, or other places; and then he has been transported for three or four years with a ticket of leave. This last part of the sentence we cannot, unfortunately, execute any longer; but what we may endeavour to do is, to adopt as nearly as possible what has actually been done in the case of those prisoners who, though sentenced to transportation, were not transported. We propose that, in those cases where a convict is now sentenced to be transported for seven years, he shall be kept in penal servitude for a term of four years. Of course the Crown will be able to remit a portion of the time on account of good behaviour or other circumstances."—[3 *Hansard*, cxxix. 12.]

Such were the opinions of the Lord Chancellor on this question. He proposes as a substitute for transportation for ten years, penal servitude for six; for transportation for fifteen years, penal servitude for eight; for transportation above fifteen years, penal servitude for ten. It is clear that tickets of leave could not be granted to all classes of convicts indiscriminately without defeating the object the Government had in view. Lord Brougham suggested that it would be better to equalise the periods of transportation and penal servitude, it being understood that the duration of the penal servitude was to depend on the behaviour of the convict undergoing the sentence. I was not a member of the Government at the time the Bill was passed, but I believe the right hon. Member for Droitwich (Sir J. Pakington) made a similar suggestion in this House, although the Government did not deem it expedient to adopt it. Any hon. Gentleman, however, who refers to the Act will see that the terms of penal servitude substituted for terms of transportation were of comparatively short duration, and represented only that period of punishment which was previously passed by convicts in this country. Parliament clearly intended, as I understand from the debates on the subject, that in the case of convicts sentenced to transportation tickets of leave should be given in this country instead of in the colonies, and that, in the case of prisoners sentenced to penal servitude tickets of leave should be granted only in particular and exceptional cases, the general rule being that the sentences should be fully carried into effect. The hon. Member for Berwickshire has referred to the difficulty experienced by convicts after their liberation in obtaining employment. That is undoubtedly the most difficult part of the question; and the difficulty arises from our having substituted for transportation a punishment carried into effect altogether in this country. The punishment of transportation, looking at it from our own position, had great advantages. It was advantageous to this country, because we got rid of a large number of criminals, who, after being sent to the colonies, scarcely ever returned here on the expiration of their sentences. The advantage to the convicts themselves was also very great, because men who had either obtained a qualified pardon or who had served out their sentences in the Australian colonies, found themselves in a quarter of the world where labour was in great demand—where, if they were so disposed, they might easily obtain an honest living, and where they speedily merged into the general mass of society. The colonists, however, regarded the system with very different feelings. Loud and no doubt just complaints were made of the evils which resulted from the dispersion of criminals among a colonial population which was advancing in wealth, intelligence, and numbers; and it was owing to these remonstrances, the justice of which to a great extent it is impossible to deny, that we felt ourselves called upon to sacrifice the advantages we had previously derived from transportation, in deference to the wishes of the colonists. A convict, when he leaves a prison in this country, whether with or without a ticket of leave, finds, under ordinary circumstances, a difficulty in obtaining work, owing to the competition for employment. Although, therefore, when he has quitted the prison he may be desirous of avoiding his old associates, he is in many cases thrown back upon crime as the only means of gaining a livelihood. During the last two years there has been great demand for labour in this country, and I think most of those convicts who have been honestly disposed have had the opportunity of obtaining work. I freely admit, however, that this is a part of the question which well deserves consideration, and under the Amendment I have to propose it might be made the subject of inquiry. I must say I dissent entirely from the suggestion which has been made during this and former debates, that after convicts have been discharged from public works at Portsmouth, Dartmoor, or elsewhere, with tickets of leave, they should be collected together and employed upon public works at a lower rate of wages than that which prevails in the ordinary labour market. I believe such a plan would be not only objectionable but impracticable. The convicts could not be shut up at night; they must live in the vicinity of the works upon which they are employed; and no doubt very strong and very just remonstrances would be made by the inhabitants of any neighbourhood in which it was proposed to form such an establishment. Then, again, the very association of these criminals would be most injurious. I think the great object should be to disperse them as much as possible throughout the country, to isolate them from their former associates, and to afford them every facility for losing the stamp of crime, instead of continuing them as a marked class employed upon public works, under the surveillance of the police. You would have no power to compel them to accept such employment, and by affording it to them I fear you would occasion very serious evils. I have before said I thought it desirable that, in some cases, convicts having tickets of leave should not be allowed to return to the places where their crimes had been committed. The general practice has been to allow holders of tickets of leave to go where they pleased within the kingdom, but in the case of thieves, for instance, who have been convicted two or three times, it has been thought desirable, in order to prevent them from returning to their former associates and becoming instructors in crime, to limit their tickets of leave, so as to prohibit them from returning to the scenes of their former crimes. This course, however, has been resorted to only in the case of convicts who, there was reason to believe, were habitual criminals. I hope the hon. Member for Berwickshire is now satisfied that my object in giving notice of an Amendment was not unduly to limit inquiry; I trust that without any division we may agree to refer the question to a Committee which may lead to practical and beneficial results.

Amendment proposed, to leave out from the word "to" to the end of the Question, in order to add the words "inquire into the operation of the Act 16 & 17 *Vict.* c. 99, intituled, 'An Act to substitute in certain cases other Punishment in lieu of Transportation,'" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN PAKINGTON: Sir, the question of secondary punishment is at all times one of the highest public interest, but it becomes peculiarly interesting at the present moment in consequence of the system recently introduced of granting tickets of leave to convicts. I therefore think the House ought to feel deeply indebted to the hon. Member for Berwickshire for having called their attention to the subject. I think, also, that the right hon. Baronet (Sir G. Grey), on the part of the Government, has exercised a most wise and judicious discretion in acceding to an inquiry. I am disposed to agree with the right hon. Baronet that the terms of the Motion of the hon. Member for Berwickshire are somewhat too wide and comprehensive, and on the other hand, until I heard the speech of the right hon. Baronet, I conceived that the terms of his Amendment were rather too limited; but, after what has fallen from the right hon. Gentleman, I trust there will be very little difference between us. I must, however, leave it to him to judge whether he thinks the terms of his Motion sufficiently comprehensive. I am disposed to think that the question of the policy or impolicy of transportation ought by no means to be excluded from the consideration of the Committee. I do not now wish to express any opinion on that important subject, but it is impossible to deny that a very strong feeling exists in the public mind against the retention of all our criminals in this country, and I think it would be highly imprudent to debar the Committee from entering into the question. I have failed to gather from the speech of the right hon. Baronet the Home Secretary, whether he holds that the Committee would be at liberty not only to inquire into the operation of the Act of 1853, but also into the terms of that Act. For myself, I am by no means satisfied with them; and, even should the Committee decide—as is by no means unlikely—that transportation ought not to be revived, it would be all the more necessary, in my opinion, to reconsider that Act. It was passed by an exhausted Parliament, at the end of a long and laborious Session, almost without debate; and I hope, therefore, that the right hon. Baronet will be of opinion that the Committee ought to have full liberty to enter into a consideration of its terms. I wish also to ask upon what principle the Government carry on the transportation which yet remains? In 1852, it was decided by the Government of Lord Derby to put an end to transportation to the extent to which it then prevailed; not that I claim any credit for the Government of Lord Derby for that decision, because all the public men of the day were of opinion that transportation, as it was then carried on, was no longer practicable; and whatever Government had been in office that must necessarily have been their decision. The right hon. Gentleman has to-night very much understated the force of the reasons which led to that decision. He has insisted solely on the desire of the colonists of Van Diemen's Land that transportation should be done away with; but there was another ground of no less weight, which, even had the colonists petitioned in favour of it, must have led the Government to put a stop to the system. That was, the immense discoveries of gold in the Australian colonies. From the moment those discoveries assumed such immense magnitude, it became obviously impossible that this country should send her convicts for punishment to those auriferous regions whither a large part of our population was hurrying with the idea of enriching themselves. Had the Government of Lord Derby remained in power, it would have devolved upon my right hon. Friend the then Home Secretary (Mr. Walpole) to propose to Parliament a substitute for transportation; as it was, it became the duty of the present Prime Minister. I have been led, not only from the extent to which I happened to be officially connected with this great change, but also from the fact that I had always taken a deep interest in the subject, to devote my attention to the substitute which ought to be provided for transportation whenever it should be abolished. In the year 1852 I drew up a memorandum on the subject, from which, with the permission of the House, I will read a short extract or two in order to show what were my own individual opinions. I expressed myself thus:—

> "I do not propose to put an end to transportation for the gravest crimes short of those which are now punished by death; it should remain, and in some part of Her Majesty's dominions places for the reception of convicts so sentenced must in this case be provided; but, in the present state of our convict colonies, we cannot continue to send them out there, as we do now."

In a subsequent passage I said—

> "I propose that long imprisonment should be substituted for sentences of seven and ten years' transportation, and that all criminals sentenced to more than ten years' transportation should be sent for the present to Western Australia."

To some extent it would appear, that the practice of the Government concurs with the opinions I have here expressed. They have substituted long imprisonment for shorter periods of transportation, and they have also retained transportation to some extent. I confess I retain my opinion that, to whatever extent you continue to resort to transportation, it ought to be regarded as a gradation—a stage in the scale of punishment, coming between the extreme punishment of death and the longer periods of imprisonment which are substituted for short periods of transportation. When the noble Lord now at the head of the Government laid on the table of the House the Bill which is now the law on this subject, its first clause led me to believe that that was the intention of the Government. The first section of the Act runs thus:—

> "After the commencement of this Act no person shall be sentenced to transportation who, if this Act had not been passed, would not have been liable to be transported for life or for a term of fourteen years or upwards; and no person shall be sentenced to transportation for any term less than fourteen years."

I was in hopes that the Government took the same view of the subject which I did, and that transportation would be the chief secondary punishment. I called on the noble Lord to answer that question, and from the answer I received I gathered that no such distinction would be recognised, but that it would be open to the Home Office either to transport the graver class of criminals who had been sentenced to transportation, or to detain them in penal servitude. From that time to the present I have never understood upon what principle these sentences of limited transportation have been carried out, and my impression now is that, when a sentence of transportation is passed in our courts of law, no precise or definite meaning is attached to it. The last occasion on which such a sentence was passed was the remarkable case of Paul, Strahan, and Bates, the bankers, who were sentenced, I think most justly and wisely, to fourteen years' transportation. Am I right or wrong in thinking that the sentence so pronounced did not convey any intelligible meaning as to whether the prisoners were to go to Western Australia, Gibraltar, or Bermuda, or whether they were to be detained here in penal servitude, either at Portland or Dartmoor? I was glad to hear the right hon. Gentleman state that the sentences pronounced by our Courts should be precise and intelligible to all; for, in my judgment, nothing could be more desirable than that the Judge who passes sentence, as well as the prisoner who receives it, should not have the slightest doubt as to its real purport and effect. Passing to another branch of the subject, I did not say in 1853, as the right hon. Gentleman has represented, that I thought sentences of penal servitude ought to be for as long periods as the sentences of transportation for which they are substituted. But I do entertain the opinion—and I hope the right hon. Gentleman will take the question into his serious consideration and agree to refer it to the Committee—that the sentences of penal servitude are very much too short. For example, four years' penal servitude is no equivalent for seven years' transportation. Every one acquainted with our Criminal Courts knows with what horror both the prisoner himself and his friends and relatives regarded a sentence of transportation, even for the comparatively short period of seven years. An expatriation for that time was looked upon as a complete severance from home and kindred, compared with which a sentence of penal servitude for four years in England, at the end of which time the prisoner knows that he will be able to return to his friends and his old habits of life, must appear to a young man—for it is important to recollect that the great majority of those who were sentenced to seven years' transportation were persons under twenty-five years of age—as a very slight punishment indeed, and cannot have that deterring effect at which we all aim, especially if, by granting a ticket of leave, you still further diminish the time during which the prisoner is to be separated from his friends and relations. As we go on in the scale of punishments, we find still wider differences between the old and the new systems. For transportation not exceeding ten years' penal servitude for not less than four years, or more than six years, has been substituted, and for transportation for fifteen years' penal servitude for not less than six or more than eight years. In my humble opinion, imprisonment in England for seven or eight years is not to be compared for a moment with expatriation for fifteen. Some of the very gravest offences in the list of crime—those which are ordinarily committed by our most hardened criminals—horse stealing, sheep-stealing, and housebreaking—offences which a few years ago were punished with death—were, for some time prior to the Act of 1853, punishable by transportation for fifteen years; and it is plain that if, instead of passing such a sentence, you tell a prisoner that he is to be shut up in his own country for seven or eight years, and then liberated in the midst of his friends and connections, you miss the object of all punishment. For sentences of transportatien for twenty years and for life, which were passed upon offenders of the deepest dye only, the Act of 1853 substitutes penal servitude for not less than six years—the minimum being the same as in the case of transportation for a shorter period than twenty years—or more than ten. Nobody, I think, will venture to say that imprisonment for ten years, taking the maximum fixed by the Act, is at all equal in severity to transportation for life. Here, surely, is a great anomaly, and one which never would have arisen had the Act of 1853 been properly discussed, and the opinion of competent persons been expressed. I will now say only a few words on the question of tickets of leave, with respect to which the right hon. Gentleman has anticipated some inquiries which I intended to make. Up to the present time, as a matter of necessity, tickets of leave have been granted only to those whom the new law found under sentence of transportation, and I understood the right hon. Gentleman to say that he does not intend to apply the principle to those who are sentenced to penal servitude. [Sir G. GREY: Not as a general rule.] This is a very difficult and important question, and one, moreover, immediately connected with the views which I have expressed as to the terms of penal servitude, because if you are to discharge prisoners before the end of their periods of imprisonment it becomes more than ever desirable that those periods should not be too short in the first instance. I must confess that my opinion has undergone considerable change with respect to tickets of leave. I have alluded to the part taken by the Government of Lord Derby in doing away with transportation; but certainly we never contemplated the introduction into England of the ticket-of-leave system, which, whatever be its merits or demerits, is the child of the noble Lord now at the head of the Administration. It was regarded at first by the great majority of the public with disapprobation and apprehension. The question has been raised to-night whether or not that apprehension has been justified by the event. I must say that I have very considerable doubts whether the facts, as they stand, justify us in expressing an opinion that the system has failed. I understand from Colonel Jebb that, up to the end of December last 5,152 tickets of leave had been granted, and that out of that number some 5½ per cent had been again brought to trial. The Return would, in my opinion, have been more complete if it had applied only to persons brought to trial "and convicted;" because being "brought to trial" merely, really does not constitute guilt. We cannot conceal from ourselves that the great question at issue is whether criminals who are convicted of grave offences are to remain in this country or not. If they are, it becomes a consideration whether it is best to discharge them upon the public entirely free, or under that check which the ticket-of-leave system undoubtedly imposes. On the whole, I believe that the wisest and most prudent course would be, not to abandon the ticket-of-leave system, but to extend the period of punishment for which criminals are now sentenced, continuing to the Home Office the power which it at present possesses of holding out to convicts every possible encouragement to return to honest and industrious courses. I have to thank the House for the attention with which it has listened to me, and I hope that the House and the Committee will approach the consideration of the subject with a consciousness that this is one of the most difficult problems which we can be called upon to solve.

Mr. LABOUCHERE: Seeing, Sir, that there is so little difference of opinion as to the appointment of a Select Committee, or as to the scope and object of the proposed inquiry, I should not trespass for a moment on the attention of the House but for some questions put by the right. hon. Gentleman who has just sat down, to which the Government ought to give an answer. The right hon. Gentleman asked, in the first place, whether the Government were really of opinion that, under the terms of the reference proposed by the Secretary of State for the Home Department, any Amendments to the Act of 1853 might be recommended. Now, Sir, I have no hesitation in saying that, under the terms of the reference, the Committee will have the fullest possible powers of inquiry—not only into any Amendments of the Act of 1853, but into the whole subject of secondary punishments. If, however, there be the least ambiguity in the expressed intention of the Government, I would propose the insertion of the words " and effects" after " operation"—[Sir J. Pakington: Say "provisions" also.] Very well; introduce that, so that the Resolution will read " to inquire into the operation, provisions, and effects of the Act of the 16 & 17 *Vict.* c. 99." The right hon. Gentleman says that there is great difficulty in discovering on what principle transportation is carried out, so long as it remains on the Statute Book and is yet practically rescinded. The course which the Government has taken upon this subject is very simple. There is now only one colony to which the punishment of trsnsportation is applicable, and that is the colony of Western Australia. In sending convicts to that colony, however, it is necessary to consider whether they will be useful and acceptable there; and subject to that limitation, I believe I may say that all convicts sentenced to transportation will be sent to Western Australia. The fact is that very few persons are now so sentenced; and the effect of the operation of the present law, coupled with the limitation that we shall only send out healthy and able-bodied persons, is, that the number of criminals sent out is so restricted that the supply is not sufficient to meet the demand which is made for them in that colony. I must warn the House, however, against running away with the notion that the colony can, under any circumstances, be much longer available for the reception of this class of the community. The conditions on which a colony receives convicts are evident and palpable. The first essential evidently is, that a colony must be willing to receive them; but before a colony can be willing there must be a demand for labour. Under the present restricted system, transportation to Western Australia has, no doubt, worked most satisfactorily, but it must not be supposed that the present limited practice could be very suddenly increased. At present I fear that there is very great difficulty in finding employment for convicts in Western Australia. Free emigrants even have been thrown upon the general community for support; and this shows how necessary it is to be careful, because the great body of employers have been quitting Western Australia to proceed to Victoria, or to other parts where the attractions of the gold diggings are held out. These considerations will, I fear, for some time prevent Western Australia from being the receptacle for a large number of convicts. I trust that the Committee will inquire into the whole subject in all its branches in the same spirit in which it has been discussed to-night; and my belief is, that an inquiry so prosecuted will produce the best results—that it will dispel some of the exaggerations which prevail in the public mind with respect to the operation of the present system, while it will point out any defects that really exist. I can only add, in conclusion, that the Government will faithfully and cordially co-operate with the House and with the Committee in applying a practical remedy to any evil which may be discovered to exist.

Mr. ADDERLEY said, that the inquiry, even after being extended by the addition of the proposed words, would, after all, be an inquiry but into part of a subject which would need a more extensive investigation; but he thought it a wise course to deal with one part at a time. The feeling throughout the country was, that some inquiry was necessary, and he was glad to find that the same feeling prevailed in that House, though there might be some difference of opinion as to the exact scope and limit of the investigation. The inquiry proposed had reference to the operations of the Penal Servitude Act, but the special provisions with respect to which the country desired information had not come into operation, except in the case of men under sentence before the Act passed, and, therefore, following strictly the words of the Motion, the result of the inquiry would be *nil.* The country wanted to know in what way the Government intended in future to make use of the power given them of liberating prisoners by licences to be at large in this country under surveillance. When the Bill passed 6,000 persons were under sentence of transportation, and the alarm said to exist in the country on the subject, must arise from some notion of the effect of this system of tickets of leave given to those under sentence of transportation at the time the Bill passed. That alarm he felt to be exaggerated, if not wholly unfounded; for it was clear, as many of the sentences of transportation were for short periods, that if the tickets of leave had not been granted at all, the convicts would, after the expiration of their sentence, have returned to, and have been at large in, this country, and some would not have left this country at all. He did not, however, mean to say that there was nothing to inquire about. Three years had elapsed since the passing of the Bill. What was wanted to be known was, what were the present intentions of the Government with respect to sentences of transportation from that time forward, and with respect to penal servitude sentences, and the use of licences in mitigation of them? He agreed with those who thought that penal sentences should be matter of certainty, and he thought that on that particular point all uncertainty should be removed.

SIR GEORGE GREY said, he must beg to explain that he had already read a passage from a speech of the Lord Chancellor, showing that the desirable object of making punishments certain and not uncertain, would be fully carried out, unless in some few special cases.

MR. ADDERLEY said, he also wished to know what was to be done in the use of licences to be at large with those persons sentenced to transportation and penal servitude since 1853?

MR. LABOUCHERE said, he had stated that all the able-bodied had been or would be sent out to Western Australia.

Mr. Adderley

MR. ADDERLEY said, he feared from what the right hon. Gentleman had previously stated, that, as the capacity of Western Australia to receive them was limited, there might not be room there for all; and he thought that the Committee to be appointed would do a service if it made the country fully cognisant of all the facts connected with the subject. Dissatisfaction had been expressed that, though they were perpetually altering the law, the official returns showed little difference in the amount of crime, but they expected too much from the penal law if they expected it to make a great diminution in the amount of crime. Such a result must be anticipated, not from penal legislation, but from preventive measures —from the effect of education, from the deterring influence of the police, and from dealing with the nurseries of crime by means of the reformatories now springing up throughout the country. The modifications which had been made in the criminal code had produced good effects, if their effect had been to keep crime stationary, and it would be for the Committee to consider if the existing system could not be made more uniform throughout the country, and it would also be its duty to consider the various suggestions which were before the country upon the subject of prison discipline. As in all professions, so in that of the law, the professors were the persons least to be trusted in matters of reform, and lawyers had been in the habit of looking upon transportation as synonymous with secondary punishment, and now, directly objections were raised to the new system, they only thought of reverting to colonial transportation. When the colonies objected to receive convicts, their behaviour was said in this country to be monstrous, but directly it was proposed that something like the same system should be established at home an outcry was made. He was, however, perfectly satisfied that anything like a return to the horrors of the old system of colonial transportation was utterly impossible. The evils of that system were not confined to the lives of the convicts sent to a colony, but the bad influence, as stated in a dispatch of Sir Henry Young, the present Governor of Tasmania, was felt in succeeding generations, and no colonists would ever consent to a revival of the system. The only question, therefore, to be considered was, how the criminal population could be most advantageously disposed of at home. Up to the present time the only question which had been considered was that of dealing with those persons who formerly would have been transported; but, in his opinion, no such distinction should be made, and the object of legislation should be to establish an uniform system for all criminals. One subject which would be discussed by the Committee would be the possibility of the revival of transportation, and he was not prepared to say that some system of transportation might not be established. He did not, however, mean that any system of colonial transportation could be revived, but there was a system in Prussia, called internal transportation, well worthy, he considered, of the attention of the Committee. In Prussia a convict, after undergoing his term of imprisonment, was released, but he was then removed to a different part of the country, and commended to a voluntary and benevolent agency, by which he was enabled to begin anew an honest life elsewhere. Another question well worthy the consideration of the Committee was, whether it would be possible to banish a man from this country at the expiration of a certain period of imprisonment, and allow him to go wherever else he pleased. Now, the subject divided itself into two parts—the first relating to the treatment of the prisoners within the walls of the prison; and the latter, and the most important, to their treatment upon their discharge. The present Motion applied to the latter part of the subject, and it originated in the alarm and misgiving felt by the country with regard to the ticket-of-leave system. If the Government had desired to abandon that system, something else must be substituted for it. In order, therefore, to make the principal object of the inquiry about to take place more distinct, he would suggest the addition to the right hon. Baronet's (Sir G. Grey's) Amendment, after the words, "An Act to substitute in certain Cases other Punishment in lieu of Transportation," of the words, "and how far its provisions relating to the discharge of prisoners may be susceptible of improvement."

Mr. BAINES said, he thought that the addition of the words suggested by his hon. Friend would not have the effect he intended. The Amendment of his right hon. Friend the Home Secretary comprehended those provisions of the Act to which the words proposed by his hon. Friend referred, and the effect of adding those words would be to introduce a doubt as to whether the other provisions of the Act were to be excluded from consideration. The question of whether those provisions which related to the discharge of prisoners were susceptible of improvement would come legitimately within the scope of the inquiry of the Committee.

Mr. NEWDEGATE said, that it appeared to him that modern politicians wilfully laid themselves under an incapacity; they grasped at every new and untried experiment, but objected to all process of renovation of former systems, however beneficial they had been proved; however manifestly practicable the remedy for the abuses, by which such systems had in time been overgrown. Any new idea with regard to penal legislation was sure to find a thousand advocates, all of whom declared that it was impossible to revert to that system which for years had been found adapted both to this country and to the colonies. They forgot that our great colonies had originated in penal settlements, and that our criminals, by banishment to those settlements, had been removed from their old haunts of vice; and they said it would be impossible to revert to the system of transportation because it had given rise to abuses; instead of attempting to remedy the abuse, they abandoned the system. Our penal colonies had, as the sphere for the reception of convicts had been rapidly contracted, by the abandonment of transportation to several of the colonies in succession, and by the establishment of new penal settlements having been neglected, become overcrowded with convicts. Hence the evils for which transportation was denounced. But this country was not larger than some of these colonies, and Parliament had been asked to perpetuate the infliction of the evils of which the colonies had complained, upon the people of this country. He knew the case of a man who in 1838 committed a felony, and was sentenced to seven years' transportation; in 1846 he was tried for felony and acquitted; in the same year he was convicted of poaching; in 1847 he was again convicted of night poaching; in the same year he was tried for murder, and escaped by a flaw in the indictment; in 1849 he was convicted of sheep stealing; in 1854, being a ticket-of-leave man, he was again convicted of felony; and this man had now returned to his parish, within a circuit of ten or twenty miles of which he had committed those crimes. This man's family had been provided for, but since his return he had led his son into the same course he had himself pursued, the result being that he had been twice committed for poaching. Would it not be much better that the old sentence of transportation should be carried out in such a case, and that such a man should enter a new sphere, instead of returning to the scene of his former crimes and to his former associates, to pollute the parish in which he lived, and to bring up his family in vice? A comparison had been made between the severity of imprisonment and transportation, and the right hon. Baronet (Sir G. Grey) said that transportation was the more severe punishment. It was more severe in one sense, and more merciful in another. If a prisoner were sentenced to an excessive term of imprisonment, it was necessary to mitigate his punishment, or he would be driven mad; and it was no easy task to mitigate modern imprisonment in proportion to each man's powers of enduring it. Severity in the form of inflicting mere suffering was pure revenge, and was unjustifiable, but the removal of a convict from his native country had a deterring effect upon others by the spectacle of his separation from his friends. Yet transportation was really merciful to the criminal, because, when he was detached from his former associates and pursuits, he might be treated with leniency, and might be won back to an honest course of life. On the grounds of mercy to the individual, as an example to others, and as a means of relieving our dense population from its mass of crime, he thought that transportation ought, instead of being given up, to be renewed, and he rejoiced that the Committee were to be at liberty to consider the renewal of a system which had heretofore formed the foundation of our penal system and the foundation of prosperous colonies. Let him not be told that within the vast limits of the British Empire there could not be found spots to which these convicts might be sent. If the expense were a grievance, let the expense be transferred from our penal establishments at home. The House ought not to be too proud to follow the example of those who had gone before them. He heard the remarks of the Judges of the land in favour of transportation spoken of as if they were mere bigoted professionalists, and their valuable opinions were to be set aside because the Government had either yielded to mere political expediency, or had neglected to consider whether our convicts could not be sent to some other colonies besides those which were overcrowded. He protested against Parliament thus laying itself under an incapacity which it was too childish any longer to endure.

Sir STAFFORD NORTHCOTE said, that the aspect of the question had undergone a change since the commencement of the discussion. The discussion at first was whether the Committee which was to be appointed should take into its consideration the expediency of a return to the system of transportation; and the feeling which operated on the mind of the hon. Member for Berwickshire (Mr. F. Scott), who brought forward the Motion, was the same with that which pervaded the mind of the country at large—namely, the necessity of considering what had been the effect of that portion of the Act of 1853 which related to licences allowing convicts to be at large in this country. What had fallen from the lips of the right hon. Gentleman the Home Secretary, however, had materially altered the question as it affected that part of the Act of 1853. The right hon. Gentleman had told the House that the provision which had given the greatest alarm to the country had become almost, if not quite, a dead letter. He (Sir S. Northcote) believed that the country would be very much relieved from the apprehensions it had entertained by the explanations given in the House that night; and the question as to whether the Government would allow the Committee to be appointed upon such terms as would embrace the consideration of the re-establishment of the system of transportation had been set at rest, not only by the legitimate construction of the Amendment moved by the right hon. Gentleman, but by the unanimous expression of opinion in the House that that was a question which would fairly come under the consideration of the Committee. There was, however, another question upon which he wished to have a clear understanding. Were the Committee to pursue the inquiries to which his hon. Friend the Member for North Staffordshire (Mr. Adderley) had referred, as to the mode in which they were to deal with convicts on their discharge? Nothing could be more obvious than that when the Bill of 1853 became law, the clause which they were now told was to be almost a dead letter was an essential part of the principle of the Bill. The circumstances were these:—The system of transportation had been undergoing a steady reform. Fourteen years ago the system was bad in the extreme, but great improvements had been effected by the Earl of Derby and Earl Grey, and also by recent Administrations. The system of sending convicts out to the colony to undergo their punishment, and then to be set loose, had been superseded by a better system, which consisted in punishing them here for a certain term, and in afterwards sending them out to the colony with permission to be at liberty during the remainder of the term of their sentence. That school of jurists, therefore, who believed that the best mode of punishing was to punish with a view to the reformation of the criminal, were thus carrying into operation an excellent system of penal discipline, but their exertions were suddenly cut short by the reluctance of the colonies to receive a convict population, and by the discovery of the gold-fields adverted to by the right hon. Gentleman (Sir J. Pakington). The Government, however, feeling the advantage of the principle, endeavoured to introduce it into this country, and the Act of 1853 contained that clause which empowered the granting of tickets of leave within the United Kingdom instead of, as previously, in the colonies. As far as the convicts themselves were concerned, the change of system was anything but gratifying to them. Colonel Jebb, in his Report, stated that the first announcement to the convicts working out their time, that transportation would be discontinued, created a ferment of discontent, and rendered them far more difficult to manage; and it was to supply the means of reformation and amendment by holding out advantages to be attained by good conduct and application to work that the Government introduced the clause in question. But if they now took away that element, what was to supply its place? If they said, "We will punish those who subject themselves to the penalties of the law, and not trouble ourselves with the question of reform," of course the present system would be quite right. Subject them to the term of their servitude, and then turn them out of doors and say, "We have done with you." How long, however, would it be before they found their way back? If they were not prepared to insist on a strict adherence to that section of the Act of 1853, it would become a question for the Committee whether some other provision ought not to be added to that Act to make up for the deficiency; and in his opinion the hon. Member for North Staffordshire (Mr. Adderley) had done good service by directing the attention of the House to the subject; because, unless a distinct understanding were come to, they might be told hereafter that the consideration of places of refuge and employment for prisoners was something wholly beyond the powers of the Committee. Very good reasons might be given for the course which the Government intended to take with respect to that section of the Act. No doubt the apprehensions in the minds of the Judges, as to the effect of their sentences, had good foundation, and the Government were quite right in announcing that the sentences passed would certainly be carried into effect, because when a contrary impression prevailed it was the practice in some cases to give longer sentences than would otherwise have been given, with the express view of ensuring a certain amount of punishment; and he himself recollected being on one occasion on the bench when it was determined to adjudge a man to four years' penal servitude, but it was suggested, "Oh, if you give four years, he will not get more than two," and the sentence was altered to six in consequence. Probably, when such questions as those came before the Committee, they would wish to make some valuable suggestions, and it would be very unfortunate if they should be stopped by being told that the matter was not in the terms of the reference. He, therefore, thought it would be very desirable that all the points of the question should be taken into consideration by the Committee.

Mr. SEYMOUR FITZGERALD said, he thought that if the Committee were to inquire not only into the system of secondary punishment as it now existed—not only into the operation of the Act which had substituted penal servitude for transportation—but also into the various methods of treatment proposed for convicts after they had worked out their sentences, the inquiry would be far too wide a one, and they would be in danger of losing the advantages which ought to accrue from such an investigation. He took it, that the Committee would endeavour to ascertain whether the substitution of penal servitude for transportation had really been productive of good, and whether it was not desirable to recur (though, probably, in a modified form) to that system of transportation which in an unhappy moment we had abandoned. The hon. Member for North Staffordshire (Mr. Adderley) had dwelt upon the evils which he said arose from transportation—an obsolete and objectionable system, he went on to say, to which it was impossible we could recur. Now, if he (Mr. S. Fitzgerald) thought it impossible to revive transportation without also restoring the evils of the system, he should quite agree with the hon. Gentleman; but that he conceived was exactly the question for the Committee to inquire into, namely, whether it was not possible to renew transportation in such a shape and under such circumstances as would not lay it open to the objections that used properly to be urged against it? Without seeking to inflict the system upon our great colonies, which were opposed to its renewal, a proper subject for inquiry would be, whether there were not localities where transportation might be revived with great advantage both to the colonies and to the mother-country? Transportation was not only a punishment singularly calculated to deter persons from crime, but it gave the offender the best chance of reformation, for he was sent to a spot where, when his sentence expired, he was most likely to obtain honest employment and so to redeem his character. Instead of that, however, they had resorted to a punishment which was confessedly not half so efficacious in deterring from crime, and which at the same time placed the offender in a position where it was almost impossible for him to obtain an honest livelihood. After the explanation given by the right hon. Baronet the Home Secretary, that the Committee would inquire into the present system of secondary punishments and into the desirability of reviving transportation in a modified form, he hoped the House would adhere to the Amendment proposed by the right hon. Gentleman, and not adopt the proposition of the hon. Member for North Staffordshire.

Sir GEORGE GREY said, he hoped that, as the House appeared almost unanimous on the subject, the hon. Member for Berwickshire (Mr. F. Scott) would consent to withdraw his Resolution, and allow the Amendment he had moved to stand as a substantive Motion. If the hon. Gentleman would agree to that proposal, he intended to add the words "and provisions" to the Amendment, which would read thus:—"Select Committee to inquire into the provisions and operation of the Act," &c.

Mr. F. SCOTT said, he did not care what form of words were employed provided the object he had in view were attained. The manner in which the right hon. Gentleman had moved his Amendment, and the explanation he had given of it, were entirely satisfactory to him. With reference to transportation, he would only say that, in his opinion, the great advance of the Australian colonies was mainly due to the convict system. He did not wish to see that system revived with all its old abuses, but he entertained a firm belief that those abuses were owing, not to the system itself, but to its maladministration.

Amendment and Motion, by leave, *withdrawn.*

Select Committee *appointed*—

"To inquire into the provisions and operation of the Act 16 & 17 *Vict.* c. 99, intituled 'An Act to substitute in certain cases other Punishment in lieu of Transportation.'"

SPECIALTY AND SIMPLE CONTRACT DEBTS BILL.

Mr. MALINS said, he would now ask leave to bring in a Bill to abolish all distinctions between specialty and simple contract debts. He was aware that the subject to which he wished to call the attention of the House might not be very attractive, yet he considered that it was one of great importance. His object was to remove an anomaly from the law, which was not creditable to the jurisprudence of the country, by putting an end to the distinction between specialty and simple contract debts. A specialty debt was created by a person signing an instrument to which a seal was affixed; a simple contract debt was not under seal, but was incurred in the case of the purchase of goods or the signing of a promissory note. Formerly the creditor by specialty had this advantage over the creditor by simple contract debt—namely, that the former only could have recourse to the land of the debtor for the payment of the money due to him. Down to the time of William and Mary a specialty creditor had a right to resort to the land of the debtor, and he had also a priority of claim as regarded the personal estate of the debtor. But there was this limitation of the right of the specialty creditor, that he could only resort to the land of his debtor, while it was in his own hands or in the hands of his heir-at-law; he could not follow the land if it were in the hands of a devisee. The practice, therefore, was for the debtor to devise his land, and thus deprive his creditor of any remedy against it. That mischief was cured by the Act of the 3 & 4 *Will. and Mary*, called the Statute of Fraudulent Devises, and which enacted that if any land was devised for the purpose of defrauding a specialty creditor the devise should be void as against that creditor, and that he should be able to follow the land in the hands of the devisee just as he could if it were in the hands of the heir. Such was the state of the law from the time of William and Mary down to the year 1807. Previously to 1807 the land of the debtor was in no way liable to pay simple contract debts. But the Court of Chancery, when dealing with the property of deceased persons, seeing not only the difficulties, but the injustice to which simple contract creditors were subjected, anxiously laid hold of any circumstances that would enable it equitably to administer the property that was entrusted to it. If, therefore, a man who was indebted, not only as a specialty debtor, but as a simple contract debtor, devised his lands for the purpose of paying his debts, or charged his lands with the payment of his debts, the Court of Equity considered the land as equitable assets, and as being distributable accordingly. So, again, while the specialty debtor retained possession of his land unincumbered, the property was considered legal assets, over which the specialty creditor had a priority of claim ; yet, if the debtor mortgaged that land, the equity of redemption was held to be equitable assets, and to be administered according to the principles of the Court of Equity. The difference of the principles laid down by a Court of Law and a Court of Equity in the administration of the property of debtors was, that the Court of Equity recognised no distinction between specialty creditors and simple contract creditors—the rights of both being considered equal, and each having a claim, share and share alike; whereas the Court of Law recognised a priority on the part of the specialty creditor. Lord Mansfield, one of the greatest Judges, laid down the proposition that every man was bound to make provision for the payment of his debts out of his real estate by will, and he that did not do it sinned in his grave, because they might otherwise remain unpaid, although the debtor left a real estate abundantly sufficient to pay them. In 1807 Sir Samuel Romilly, who did so much to remedy the defects of the law, took up this subject, and introduced a Bill to make freehold estates liable to the payment of simple contract debts. In *Sir Samuel Romilly's Diary* it was stated that Lord Ellenborough thought no objection could be urged against the measure, but that great opposition would be made to it by the landed gentry, who would be alarmed at subjecting real property to any charges from which it was exempt. Sir Samuel Romilly proposed that the law should prevent a man, as Lord Mansfield expressed it, "sinning in his grave." The second reading of the Bill was discussed on the 18th February, 1807, and the then Master of the Rolls, Sir William Grant, opposed it, on the ground that there was no pressing necessity for such a measure, and that, as the simple contract debtor had not stipulated to be paid by the heir, there was no reason for giving him that for which he had not contracted. Mr. Canning considered it an attempt to sacrifice the landed to the commercial interests and an attack upon the aristocracy, which might end in something similar to the French Revolution. The Bill was carried in the House of Commons by a majority of sixty-nine to forty-seven, but when the Bill went to the House of Lords it was rejected. Sir Samuel Romilly renewed his efforts every year down to 1816, but though the Bill was repeatedly carried through the House of Commons, it was uniformly rejected in the House of Lords. In 1816 it was opposed by Lord Eldon and Lord Redesdale, and supported by Lord Erskine and Lord Holland. It was again rejected, and Sir Samuel Romilly finally abandoned his efforts to obtain that improvement of the law. In 1833 his son, Sir John Romilly, the present Master of the Rolls, brought in a Bill which became law, with universal consent, and made real estates assets for the payment of simple contract debts, still preserving the distinction by which specialty creditors were paid in full before creditors on simple contracts. No man could now die and leave his creditors unpaid if he had real estates sufficient to pay them, but the specialty creditor might either be paid in full or partially paid, while the simple contract creditor was not paid at all. During life the existing distinction between simple and specialty debts was very small, consisting chiefly in the difference of time within which the debtor might be sued. For specialty debts the time was twenty years ; but in simple contracts the time was limited to six years. One object of the present Bill was to abolish that distinction, and make six years the limit in both cases. That only affected the debts during life; but it was after death that the great inconvenience arose. If A died indebted to B by bond, and to C by simple contract, and the assets were anything that could be recovered in a Court of Law, the specialty creditor B would perhaps sweep away everything, and leave C unpaid. Or, take another case, constantly occurring, where a man commits a breach of trust. If the fund which he misappropriated be vested in him by deed under seal (a marriage settlement, for instance), it becomes a specialty debt; but if it be vested in him by a will or other document not under seal, it is merely a simple contract debt. The parties entitled under the document would, therefore, get nothing at all, while the *cestuique* trust under the settlement would sweep away everything the fraudulent trustee possessed in liquidation of their claims. But would anybody, in the nineteenth century, attempt to say that a seal on a piece of paper or parchment made a debt more or less a debt than it otherwise would be? He had been engaged a short time since in a very hard case, where a solicitor in North Wales died, contrary to expectation, poor, leaving a widow with but slender provision, who was also a creditor by simple contract on his estate. By a deed of partnership he had stipulated that in a certain event his estate should be liable to a penalty of £5,000. It was decided by the Court that the partner was a specialty creditor, because the deed of partnership had a seal to it, whereas but for that it would have been only a simple contract debt, and the widow and other simple contract creditors were left unpaid. But what could be the difference whether a man signed his name on a bill or on a deed by the side of a seal? The debt was a debt all the same, and natural justice and equity required that a man's assets should be equally divided amongst his creditors. He believed the House fully understood the question and was prepared to deal with it. As to the objection that where A took a bond and C took a bill, the original contract was different, there might be something in that if the distinction was of any value. But a man has now the power of drawing all his real estate away from the specialty creditor, and by making it equitable assets, prevent the bond creditor having any preference. He proposed, therefore, to enact that after the 1st of January, 1857, or some other appointed time, six years should be the limitation for all debts, and that in administering the estates of persons dying after that date there should be no priority by reason of a debt being created by bond or by deed under seal. His Bill, therefore, would only apply to the estates of persons dying after a future day to be named in the Bill, and, as it would place the law in harmony with the principles of justice, he hoped that there would be no objection to its introduction.

MR. LLOYD DAVIES seconded the Motion.

Motion *agreed to.*

Leave given.

Bill *ordered* to be brought in by Mr. MALINS and Mr. LLOYD DAVIES.

Bill read 1°.

CRIMINAL APPROPRIATION OF TRUST PROPERTY.

THE ATTORNEY GENERAL said, he rose to ask for leave to introduce a Bill for the purpose of amending the law relating to the criminal appropriation of trust property held by persons as trustees or bailees. According to the Common Law of England, if a person obtained possession of property for a specific purpose for the benefit of another, and afterwards fraudulently appropriated it, he was only civilly liable to a Court of Common Law or Equity. The consequences arising from this state of the law were so serious—and in many instances ludicrous—that the Courts introduced many exceptions. Thus, although if a carrier appropriated a parcel which had been entrusted to him to carry, or a tradesman a watch which had been sent to him to be repaired, they were not criminally liable; yet, if the carrier opened the parcel and took something out, or the watchmaker took only the case of the watch, that was larceny, and he was criminally responsible. In the same way, if a man hired a horse to go from London to York, and when he got half-way it occurred to him to sell it, he was only civilly responsible; but if it could be shown that when he hired the horse he intended to dispose of it he was guilty of larceny. Such was for a long time the law, and such it was at present, except that some appropriations, such as the appropriation of money received by a servant for the benefit of his master, and the appropriation of securities and other articles deposited with them by bankers, agents, and factors, had by statute been made criminal offences.

To this day, however, if a person not the subject of one of these exceptions, as an ordinary trustee entrusted with money for a specific purpose, fraudulently appropriated it to his own use, he was only civilly responsible, and the Insolvent Court or the Court of Bankruptcy would clear him of the consequences of what he had done. Such fraudulent appropriations were of more frequent occurrence than many persons were aware of. With those anomalies he proposed, by the Bill he wished to introduce, to do away, and to put the case of persons entrusted with funds or other property for the benefit of others, and who misappropriated such property, upon the footing on which bankers stood with reference to securities. He also proposed to do away with the technical rule by which, if a man had by legitimate means acquired property for a specific purpose, he escaped criminal responsibility for its misappropriation. He did not see that it mattered much whether a man intended to steal a horse when he hired it, or whether the idea occurred to him afterwards. The measure which he asked leave to introduce would, therefore, do away with an anomaly which led to very serious consequences in cases of breach of trust, and he hoped that no objection would be raised to it.

Mr. WALPOLE said, he wished to know whether the Bill would contain a provision to preserve the civil responsibility of trustees to make good any funds they had wasted? Unless such a provision was introduced, by being made criminally responsible, they would be relieved from their civil responsibility.

The ATTORNEY GENERAL said, he was much obliged to the right hon. Gentleman for the suggestion, and would take care to introduce such a provision.

Mr. MALINS said, he approved of the Bill; but, in justice to the general body of trustees, he felt bound to say that the great majority of breaches of trust arose from misapprehension and mistake, and chiefly from a desire to oblige the families interested. He had met many cases, however, in which he regretted the parties could not be made criminally responsible.

Mr. BOWYER said, he also agreed in the general provisions of the Bill, but it would require to be dealt with with great care and attention, lest it should inflict hardship upon trustees, who performed a most thankless office, and who generally committed breaches of trust not with any criminal intention, as had just been mentioned by the hon. and learned Member for Wallingford, but to oblige the parties beneficially interested. If they were to add to the liability of trustees the risk of a criminal prosecution, it would make their position a great deal more dangerous. That fear would make trustees very much alarmed. He merely mentioned this as a caution to the House in entertaining the measure in question.

The ATTORNEY GENERAL said, he could assure the House that he was most sensibly alive to the danger which had been pointed out by the hon. and learned Member, but he thought that danger had been avoided by the wording of the Bill.

Motion *agreed to*.

Leave given.

Bill *ordered* to be brought in by Mr. Attorney General and Mr. Solicitor General.

JOINT-STOCK BANKS BILL.

Sir JOHN SHELLEY said, he begged to move for leave to bring in a Bill to amend the law relating to the election of directors of joint-stock banks in England. The Act which related to the subject was the 7 & 8 *Vict.* c. 13, and by the 4th section of that Act it was provided that retiring directors should not be re-elected for a period of twelve calendar months. The object of the present Bill was to enable shareholders, if they thought fit, to re-elect at once directors that might be retiring. The Bill would not interfere with the election of new directors—with infusing new blood into the direction. It was evident that by the Act as at present constituted, as soon as a director was sufficiently experienced in his business, although he might be the best man in the direction, he was incapacitated from further serving the shareholders. He might mention that five of the principal joint-stock banks at present existing were established before the Act came into force, and were therefore not subject to its provisions. The present Act applied to three other banks, and if the principle were good for any, it surely would be good for all. His object was to leave the whole direction in the hands of the shareholders themselves, upon the principle of self-government which now so extensively prevailed. The Bill was a very short one, and did not affect anything but the ineligibility of directors to re-election until after a period of twelve calendar months.

Mr. JOHN MACGREGOR seconded the Motion.

The CHANCELLOR of the EXCHEQUER said, he would offer no objection to the introduction of the Bill; but he confessed he entertained considerable doubts as to the policy of altering the present law. The provisions with respect to the re-election of directors were very carefully considered by the late Sir Robert Peel, the author of the Act, and they rested upon the intelligible ground of policy. It was the principle which was followed with respect to the Bank of England, and as at present advised he was disposed to think that there was no sufficient ground for altering the law. However, it was perhaps a proper subject for the consideration of the House, and he should therefore offer no opposition to the introduction of the Bill.

Mr. JOHN MACGREGOR said, that the late Sir Robert Peel had expressed to him his doubts whether it would not be necessary to make some change in the law. The very best and most responsible man had been often kept out of the direction in a state of suspense for four years. He was very glad that the hon. Baronet had brought forward the measure.

Motion *agreed to.*

Leave given.

Bill *ordered* to be brought in by Sir John Shelley, Mr. Roebuck, and Captain Leicester Vernon.

Bill read 1°.

EDUCATION (IRELAND).

Mr. MACARTNEY moved that copies of the Treasury Minute, dated the 26th day of October, 1855, appointing a Commission to inquire into the working of the National Board of Education in Ireland, with the view of improving its efficiency, and of the Report of said Commission made to the Lords Commissioners of Her Majesty's Treasury in the month of February last, be laid upon the table of the House previous to any Vote being taken on Supply for National Education in Ireland.

Mr. WILSON said, there would be no objection to produce the Minute forthwith; but as for the Report, it had been referred for observation to the Educational Board in Ireland. The Treasury had not yet received their remarks upon it, and until they did the Report could not fairly be laid on the table. At the same time he would state that it was not intended to take any of the Estimates relating to it until after the Report had been laid on the table.

Copy *ordered—*

"Of the Treasury Minute, dated the 26th day of October, 1855, appointing a Commission to inquire into the working of the National Board of Education in Ireland, with the view of improving its efficiency."

POOR LAW AMENDMENT BILL.

Mr. BOUVERIE said, he would now beg to move for leave to bring in a Bill to amend the laws relating to the relief of the poor. In the first place, he proposed, by the Bill, to do away with the large number of parochial places which were scattered throughout the kingdom, and in which, though they had a considerable population, no rate was raised for the relief of the poor. In those places cases of the greatest hardship arose from their being unable to relieve necessitous persons. Taking the last Census as the basis of his arrangement, he proposed to add those places to adjoining parishes, or to make them independent parishes for the purposes of the poor rate. There was another point of considerable importance in the Bill; he proposed to take power to dissolve the Gilbert Unions, which existed in some counties as long ago as 1835. A Committee made a strong Report against the continuance of those unions, in consequence of the abuses connected with them, and the time, he thought, had now arrived when they might be advantageously dealt with, with advantage to the public and also to the unions themselves. Another part of the Bill had reference to the appointment of the district auditors of poor-law unions. Those auditors, forty-nine in number, were each appointed to separate districts, consisting of a certain number of unions. Originally they were appointed separately for each union; but, in 1845, a Bill was passed providing that each district should be regulated by the amount of population. At that time the auditors were paid out of the poor rates of the union; but, in 1846, it was proposed—he believed, as a kind of compensation to the landed interest for the repeal of the Corn Laws—that they should receive payment out of the Consolidated Fund. That payment, which amounted to between £13,000 and £14,000 a year, therefore, now came out of the national Exchequer, but the appointment of the auditors remained vested in the chairman and vice chairman of the different boards of guardians belonging to the unions comprised in the district. Now, he thought that those who paid ought to appoint; and, as the central Government paid those officers, who exercised most responsible functions—and, in point of fact, formed the pivot upon which the whole administration of the Poor Law turned—it was highly desirable that they should be appointed by the central authority, who was responsible for the administration of the Poor Law. He proposed, as vacancies arose, that power should be given to make larger districts, and that the appointment of auditors should be vested in the Poor Law Board. A Committee had made a strong recommendation in favour of that arrangement. He also proposed to place the appointments of registrars of births, deaths, and marriages under local Acts, with whom the Poor Law Board had nothing to do, in the hands of the guardians belonging to the different unions.

Sir WILLIAM JOLLIFFE said, he felt it was rather difficult to determine why the Bill was not incorporated with that introduced the other evening. It would certainly have been very desirable had such been done, for they had already multiplied the statutes relative to the Poor Law to such an extent that it was almost impossible to unravel them. He wished to give timely notice to the right hon. Gentleman that he should endeavour to induce him to carry out the recommendation of the Committee which sat in 1854, and again in 1855, namely, that the area conferring the right of irremovability should be extended from the parish to the union.

Mr. BARROW said, he would suggest to the right hon. Gentleman, both with respect to this Bill and the Bill introduced the other evening, that it was desirable in all fresh legislation in regard to the Poor Law, to keep in mind the probability, at no distant period, of the consolidation of the law as affecting every part of the United Kingdom. He wished also to remind the right hon. Gentleman that two years ago he had moved for a return relating to the local averages struck by the Poor Law Board. Now that return was proposed to be laid before the House on the 10th of April, 1854, and ordered to be printed on the 11th of April, 1854; nevertheless, it was not yet in the hands of hon. Members.

Viscount EBRINGTON said, he begged to thank his right hon. Friend for the very valuable measure he had introduced, and especially for having had the courage to deal with the Gilbert Unions, which had so long stood out, but which would now be brought under a system which had worked well wherever it had been established. He thought the proposal for limiting the number of the auditors and employing their whole time was also a useful one.

Mr. PEACOCKE said, he must dissent from the feeling of admiration expressed so generally relative to the Bill. He certainly was very sorry that an attempt was going to be made to subject property which, in consequence of coming under the denomination of "royalties," had been hitherto exempt from poor rate, to the burden of that tax. He happened himself to be an owner of such property, and he could say that his ancestor had paid a higher price for it in consequence of its exemption from poor rates. And now were they to come down and tell those who had bought their property subject to such conditions, that without any equivalent being offered, they were henceforward to contribute equally with others to the support of the poor? He could only say that, after all, a measure of the kind was but carrying out what appeared to him to be the avowed and distinguishing policy of the present Government — namely, the policy of confiscation.

Lord JOHN MANNERS said, he quite agreed with his hon. Friend that the terms of praise in which the Bill had been spoken of were rather too unqualified. He also thought there was much injustice indeed in taxing the species of property referred to by him. Again, he objected to the appointment of auditors being vested in the Government; for although those functionaries were to be paid out of the public Exchequer, still the taxation which they would have to overlook would be raised entirely from the ratepayers.

Mr. BOUVERIE said, he would admit that to tax property coming under the denomination of a "royalty," upon which no population existed, might involve a hardship; still he would remind hon. Gentlemen that where a population did exist such an exemption was exceedingly odious, and amounted to a great hardship upon the poor as well as the ratepayers generally.

Motion *agreed to.*

Leave given.

Bill *ordered* to be brought in by Mr. Bouverie and Mr. Grenville Berkeley.

Bill read 1°.

DRAFTS ON BANKERS BILL.

Order for Second Reading read.

Mr. A. PELLATT said, he would now move the second reading of this Bill, and would take that opportunity of making a few observations to show its importance, and the magnitude of the transactions to which it referred. In 1849, it appeared from an inquiry that twenty-nine London bankers used the clearing-house to a large extent, but since the joint-stock banks had been admitted to the same privilege an immense increase had taken place in the number of cheques passing through the clearing-house. The cheque system was of great importance to the stockbrokers. Between the hours of ten and four they drew and paid very large sums, and used a great number of cheques; but, in present circumstances, if any one presented a crossed cheque about noon for a large amount the danger was that the stockbroker might be declared a defaulter. The object of the Bill was to restore that security to the public of which they had been deprived by a recent decision of the Courts of Law, and to enable the bankers and commercial community of London to continue with safety a custom which had existed for many years. He believed that the system of crossed cheques arose in this way: A gang of swindlers paid into a bank some bills due on a certain day at a certain house. When the banker's clerk presented himself at the house they seized him, tied him up, took away all his bills, went round with them to the different bankers, and then left the town with their booty. The system of crossed cheques was adopted in order to prevent the repetition of such wholesale robbery, and it had been found extremely useful by merchants, stockbrokers, and tradesmen. But it had been surrounded with doubt by a recent decision of Lord Campbell to the effect that a document payable to bearer could not at the same time be payable to order; and the object of the present Bill was simply to provide that when a cheque was drawn payable to bearer it should be paid through some banker. The measure had been approved by a committee of bankers and by the entire Stock Exchange, and by Mr. Freshfield, the solicitor of the Bank of England, who, upon a reference from the Governor, had suggested some amendments, which had been adopted.

Mr. GLYN said, he should support the second reading. He could assure the House that there was a universal feeling in the City in favour of some legislation of the sort, in consequence of recent decisions in the Courts of Law tending to throw doubt upon the validity of the custom among bankers. He did not, however, think that the Bill under discussion ought to be passed in its present shape; but as regarded the question of security, which was the main object of the Bill, and of the original practice among bankers, it had his full approval. There were also other grounds upon which he was prepared to support some measure of the sort, and that was with reference to the currency. Within the last ten years the commercial classes of the metropolis had endeavoured to assist the Act of 1844 by economising the currency of the country, which some persons supposed to be based upon somewhat too contracted a basis. With that view many alterations had been introduced in the clearing-house and the general conduct of banking business, and immense sums of money daily passed through the clearing-house, and were settled without the use or intervention of a single bank-note. The Bill under consideration would add materially to the efficiency of the system, and he was therefore prepared to support its principle, reserving to himself the right to oppose the third clause in Committee, as he did not consider that portion of the measure necessary or called for.

The ATTORNEY GENERAL said, that the result of his professional experience induced him heartily to support the principle of the Bill. At the same time he quite concurred with the hon. Member for Kendal (Mr. Glyn) that considerable alterations would be required in its details.

Mr. JOHN MACGREGOR said, he believed that the object of the Bill was a very proper one; at the same time he hoped the Bill would not be compulsory, but permissive as regarded Scotland.

Mr. HANKEY said, he could not admit that there was a necessity for any legislation on the subject. Notwithstanding the decision of Lord Campbell, it was the custom of every mercantile house to cross their cheques, and their doing so effected the object for which it was done, namely, of making the bankers careful to whom they paid the money. But by the Bill now before them they were proposing that a cheque payable to bearer should only be paid through a banker. That would altogether alter the character of the cheque, and deprive it of the value its ready convertibility gave it. If the drawer in any case desired to make the cheque payable to a particular individual, he could do so with perfect safety. The existing custom worked well, and there was no wish on the part of the Bank of England, he believed, that it should be changed.

Mr. WILKINSON said, he should support the Bill on the ground that it afforded security to bankers against any damage for refusing to cash cross cheques, except in the way which had been established by the custom of the business men of the City of London, and on which the system of the clearing-house was founded.

Bill read 2°.

MARRIED WOMEN'S REVERSIONARY INTEREST BILL.

Order for Committee read.

Mr. MALINS, in moving that the House should go into Committee on this Bill, said, that as the law now stood, the married woman was enabled, by going before a Commissioner for taking acknowledgments, and being separately examined before him, to convey away any interest which she might possess in real estate, whether in possession, reversion, or remainder; but to the case of personal property a totally different principle was applied, and he saw no just reason for the distinction. It was with the view, therefore, of making all property alienable, and enabling those who were desirous of selling or mortgaging their reversionary interest to the greatest advantage, and adapting it to the exigencies of their families, that he had brought forward the measure; and he trusted the object contemplated would meet the sanction of the House.

Mr. WALPOLE said, he was sorry the Bill had come before the House in the absence of the hon. and learned Gentleman the Solicitor General. [Mr. Malins intimated that the Solicitor General approved of the measure.] He very much regretted to hear it: for instead of its being a Bill to enable married women to settle their property in reversion for the benefit of their families, children, or relations, he was perfectly convinced its effects would be to enable the husband to use his right and influence to get hold of the property and dispossess them of it. That objection he had urged on a previous occasion, and to the present moment he had heard no satisfactory answer to it; indeed he believed that no such answer could be made. It was true, with reference to landed property, that they could take the acknowledgments of married women to part with that property; but his hon. and learned Friend seemed to forget that the landed property which came in that way to married women was comparatively small in amount, and that to enable the husband, through his right and influence, to sell the reversionary interest of his wife in personal property for the payment of his debts would operate to the great disadvantage of those who came after her. If the Bill were confined to enabling the married woman to make such a settlement as if she were a *femme sole*, for the benefit of her relations after her, a better Bill could not be introduced. One clause, however, he was thankful to his hon. and learned Friend for having inserted. It was that which provided that the power of disposition hereby given to a married woman should not enable her to dispose of any interest in personal estate which might be settled on her upon the occasion of her marriage. Thus the deliberate act of the lady, when she was acting under the advice probably of her guardians, certainly of her friends, and made a settlement which the husband was not to defeat, was by this clause completely and fully protected. In the main object of his hon. and learned Friend he quite concurred, but he was most anxious to protect the interests of the married woman.

The ATTORNEY GENERAL said, he agreed in much that had fallen from his right hon. Friend (Mr. Walpole), for though he was not disposed to give a negative to the principle of the Bill, still its provisions required serious consideration. It was necessary that they should legislate in this particular case with extreme caution and prudence. He therefore entreated his hon. and learned Friend (Mr. Malins) not to press the Bill through Committee that night.

House in Committee.

The ATTORNEY GENERAL said, he must again appeal to the hon. and learned Member to agree to postpone further proceedings.

Mr. MALINS said, he had no objection to comply with the request, provided he could be secured an early day for the discussion of the measure—not otherwise.

Mr. WALPOLE said, he would suggest that the Bill should be passed through Committee then, and further proceedings postponed for a week, in order that the opportunity might be given for considering and preparing Amendments.

The ATTORNEY GENERAL said, he would agree to that course as proper and expedient.

Bill passed through Committee.

House resumed.

FACTORIES BILL.

Order read for resuming adjourned Debate on Amendment proposed to Question [2nd April], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

COLONEL WILSON PATTEN said, the hon. and learned Member for Oldham (Mr. Cobbett) had made a suggestion which he (Colonel Patten) could not but agree to. It was that all the Amendments suggested by the right hon. Baronet the Home Secretary should be printed and embodied in the Bill before it went into Committee. He would, therefore, offer no opposition to the second reading of the Bill.

MR. COBBETT said, he would postpone all opposition on his part at present, but he begged it to be understood that he did not thereby commit himself to the principle of the Bill. If the Amendments did not meet with his approbation, he should oppose them at the proper time.

COLONEL DUNNE said, he hoped that the House would allow him to say a word in explanation of the course which he had taken with regard to this Bill. He had been abused in the daily papers for the course which he had pursued, and in one paper he had had attributed to him military errors committed at a time when he was not in the army; but he felt that he was acting on behalf of a class of persons who, on that question, were not fairly represented in that House, and he thought that he was justified in endeavouring to obtain a hearing on their behalf. He would not on that occasion enter into details, but he would reserve to himself the right of doing so at a subsequent period; and he could only say that, although he might be abused by the organs of those who were opposed to his views—and those organs were powerful and not over scrupulous—still, if his conduct met with the approbation of those whose cause he was endeavouring to advocate, he should have every reason to be satisfied with the course which he had adopted the preceding day. The only sympathies he had in the case were for the poor man. Fully 40,000 people had been sacrificed to the Moloch of manufactures within the last ten years—mutilated or killed by machinery. Those injuries might be called slight by the manufacturers; but the loss of a finger involved the loss of subsistence to the workman. The manufacturers did not weigh the lives of their workmen in the same scale as they weighed their gains. The Legislature, therefore, was bound to give the workman every protection in its power. He had no confidence in the arbitration proposed by the Bill of the hon. and learned Gentleman.

MR. CROSSLEY said, he repelled the charge made by the hon. and gallant Member for Portarlington against the manufacturers of this country of being indifferent to the lives and safety of the workpeople. He totally repudiated the charge; and the fact was, that the hon. and gallant Member did not understand the subject on which he had been speaking. He (Mr. Crossley) had carefully examined his own works, and, while it was plain enough that the machinery could be fenced in some instances, in others it would be impossible to do so. All that could be done was to take as much care as possible to prevent accidents; and he was sure the millowners of this country would do everything in their power for that purpose. If the Bill passed it would place the operatives in a better position than they had been, and would do away with the setting of class against class — master against workmen.

MR. BARROW said, as totally unconnected with manufactures, he had, after a careful inquiry into the operation of the Bill, come to the same conclusion as the hon. Member who had last addressed them. He was altogether in favour of the arbitration clause, as a measure for the benefit of the operative, and he considered that the millowners had behaved fairly and honourably in the case as regarded their operatives.

MR. RICHARDSON said, he was in favour of the Bill, as he thought it would give increased security to the operatives.

MR. HEYWOOD said, he believed that the result of arbitration would be a perfectly fair decision in the great majority of cases. He considered the factory system was a benefit to the country, as conferring a moral education upon the population. The great bulk of the accidents that took place were of a very trifling character. It was impossible to prevent accidents altogether, especially if the workpeople were careless.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

The House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Friday, April 4, 1856.

AGRICULTURAL STATISTICS BILL.

Order of the Day for the House to be put into Committee, read: *Moved,* "That the House do now resolve itself into Committee."

The Earl of DERBY: My Lords, I wish, before the House goes into Committee on this Bill, to make a few observations with reference to one or two of its provisions. There are one or two points connected with the machinery of this measure, the objections to which, I think, can be more conveniently considered now than at any future stage of the Bill. On the second reading, although I expressed my concurrence in the objects intended to be effected by the Bill, I at the same time expressed some doubts whether its machinery was the best calculated to carry out those objects. My Lords, the many communications which I have since received from various quarters of the country, in regard to this measure, all tend to confirm the impression which I then entertained. Though from some agricultural counties I have received remonstrances against the whole form and frame of the Bill itself, yet I cannot say that the reasoning by which they are supported has convinced me that it is not one eminently calculated to benefit the country; at the same time these communications have shown me that the objections to some of the provisions of the Bill are very much greater than I stated to your Lordships. What I object to, as against the whole of the proposed machinery, is the employment in any way of the Poor Law Board. I consider that this Board is utterly unfitted for the discharge of the duties which this Bill would impose upon them—duties totally unconnected with those to which, in my opinion, the Poor Law Board should be specifically confined. I am sure, also, that your Lordships will concur with me in thinking, that as in at least some parts of the country considerable prejudice exists against this Bill on the part of occupiers of land, it is desirable that its promoters should seek, as far as possible, to conciliate that class, and so far as practicable to remove the objections they may entertain to the Bill. I feel quite convinced, too, my Lords, that no body could be selected to carry out this Bill which would be as unsatisfactory to the occupiers of land as the Poor Law Board. With regard to the objection taken to the publicity that would, under this Bill, be given to the private concerns of individual parties, that objection may or may not be exaggerated; but I am quite sure that a board of poor-law guardians, consisting of a very numerous body of the magistrates and farmers of the union, and numbering perhaps sixty or seventy members, is a body composed of the very persons from whom the farmers of the union would be most desirous to withhold the information which is intended to be elicited by this Bill. The objects in view—that of acquiring accurate agricultural statistics—being one of public concern, is one that ought to be effected, as far as possible, by the immediate instrumentality of the Government. I think, therefore, that for the words in the first clause providing that the Poor Law Board take every year measures to obtain so and so, words should be substituted providing that the Board of Trade should each year take measures to obtain this information. I think, my Lords, that the means by which the desired information might be obtained most efficiently and with the least objection to the farmer would be through the agency of courts of petty sessions established throughout the country. These courts possess a peculiar facility for obtaining this information, by reason of the acquaintances of their officers with the farmers in their respective localities. And now, as regards the two classes of information proposed to be obtained. I do not think this Bill draws a sufficient distinction between those two classes — first, the quantity of land under cultivation, and the description of the crops; and, secondly, the estimated value of those crops. With regard to the statistics of cultivation, and the nature of the crops, I cannot but think that the 1st of June, the day named in the Bill for filling up this schedule, is considerably too early. At that time of the year the turnip sowing has barely commenced; and the farmers generally could not at so early a period make a proper return of what their crops were, but would probably be obliged to return, as "fallow land," portions of their farm, though this land was intended to be cultivated. Consequently, a very fallacious return of the amount of turnips available for food in the year would be obtained. I, therefore, think, my Lords, that the 1st of July would be quite early enough for the information required to be furnished by this clause of the Bill. Again, although this information is required to be given by the farmers at so early a period, I do not see any provision for giving back that information to the farmer within such a period and in such a way as it may be useful to him. I do, my Lords, think that if the farmer furnishes his individual information, he has a right to expect that he shall as soon as possible be put in possession of that aggregate of statistical information of which he has supplied his part. In this Bill there is no provision for supplying him with those statistics, except the clause directing that publication shall be made of those returns in such manner as the Board of Trade may think fit. If information of the extent of cultivation and nature of the crops are not given to the farmer till the months of September, or October, or November, up to which time it is not likely you would be able to get any information as to prices, it would be utterly valueless to him. The small farmers thrash out their corn early, and, therefore, if such information is not afforded to them before October, they would derive no advantage from the return, and consequently they would have no interest in giving you the information which you ask of them. While on this subject, I must say that while I do not at all deny that it may be possible to obtain something approaching to a correct estimate as to the amount of crops, I entertain very much doubt whether by a return made up in the way this Bill proposes you will be able to approximate to the correct amount. At all events, I think, on the ground of the time at which the first schedule is required to be furnished, you must separate the two returns—the amount and kind of crops and the valuation. [Lord STANLEY of ALDERLEY: It is proposed to do so.] The noble Lord says it is intended to do so; but I find that by the 4th clause the Poor Law Board may appoint such persons as they think fit to collect information and make an estimate of the valuation. Now I think the collection of the information and the making of the valuation should be kept separate. I am of opinion that the courts of petty sessions should, by the first part of the Bill, be appointed to do that which it is now proposed to confide to the boards of guardians—obtain information; and I think you should introduce a clause providing that the Board of Trade should, from such information, have prepared and circulated an estimate of the value of the crops. I am sure that the poor-law Board is not the source from which you should obtain such an estimate, which would, coming from it, be founded on the information obtained by the different poor-law guardians throughout the country. If you be desirous that the estimates should at all approach accuracy, you should take the course adopted by speculators in corn—that of sending people invested by you with authority to make investigation, as far as personal investigation is possible. For this purpose you should employ a limited number of persons on whose ability you could place reliance; but I do not think you could place reliance on the valuations of persons appointed by the poor-law guardians. As regards the payment of the officials, this Bill provides that the boards of guardians should employ persons to make returns and estimates; but the Board of Trade is to draw up a scale of allowance, which is to receive the confirmation of the Treasury; but it is after those persons have been employed, and after the returns have been made, that, for the first time, they will learn remuneration is to be given to them. If that be the case the poor-law guardians will take very little trouble to employ efficient persons. According to my view, the petty sessions courts should in the early part of the year call for a return of the facts you require; I think, too, that the form of schedule might be made much less complicated than it now is. It appears to me sufficient if in one column you call for a return of the principal corn crops, and in a separate column for a return of the potato—because that is food for man; but if you get a return of carrots, turnips, mangel wurzel, and other green crops, you will, as regards such crops, have information sufficient for all practical purposes. There are no less than four columns of separate returns of sheep, lambs, calves, &c., framed in such a way as in my opinion to only complicate the return. I think you should provide that the petty sessions court, communicating with the occupier, should get from him a return; and that by each petty sessions court an abstract of the various returns furnished by individuals of the district should be made; that this abstract so prepared should be sent to the Board of Trade, and that from the aggregate of those abstracts the Board of Trade should afford to the public the information in gross, without expressing the names of individual occupiers, whose individual returns would only be known to the magistrates of their own petty sessions district. Now, my Lords, it may be said that occupiers of land would be very unwilling to have their returns exposed to those magistrates, who would thus become acquainted with their available means, those magistrates being in some cases the landlords of those individuals. Well, supposing the magistrate to be the landlord of the individual called upon to make the return, he is asked to give no information but that which the landlord has power, at any moment, to ascertain. I should hope that there are very few cases in which the tenant feels that he has any reason for concealing such information from his landlord; but be that as it may, the occupier is not by this Bill called upon to give any information which the landlord cannot obtain for himself. Therefore I cannot entertain the idea that there would be any difficulty in the way of the magistrates of petty sessions courts procuring from the farmers of their districts returns relating to the distribution of the different crops; nor in those magistrates returning the acreages of the crops in their neighbourhood to the Board of Trade, and this Board drawing up a general statement from those returns. I can also see no objection to a provision requiring that the Board of Trade, in a limited time after this information has been furnished, shall, not by publication in the ordinary way, but by sending those returns, or the substance of them, back to the various petty sessions districts, impart to the farming classes the information which they have individually contributed. I think it would also be of considerable importance, and tend to ensure a more complete return, if the parties engaged in collecting the information were provided with the returns of the previous year, so that by comparison they would be in a better position to judge of what the result of the returns would be. I do not mean to say that any information would afford a perfect criterion, or that the closest inquiry would not be necessary. I think, my Lords, that in introducing these returns, the object we all have in view is to make them as perfect as experience will enable them to be made, and the more you enlist the feelings of the occupier in the objects of this measure, the more disposed will he be to render you his assistance in the making up of those returns. For this purpose let those returns be as simple as possible; let the machinery of the Bill be as unobjectionable as possible; and let the occupier at the earliest possible period get a return of the information affecting the entire country. My Lords, I have taken the liberty of throwing out these suggestions before the House goes into Committee. I have not prepared any amendments to the Bill; but if your Lordships approve of the course which I have proposed to the House to adopt I shall, in Committee, move such alterations as may carry into effect the suggestions which I have thrown out with respect to the machinery of the Bill, and those other matters to which I have directed the attention of your Lordships.

Lord STANLEY of ALDERLEY understood the noble Earl to approve the principle of the Bill, but to suggest certain alterations in its details. He would shortly state the reasons which induced him to prefer the machinery provided by the Bill to that suggested by the noble Earl. In the first place, they had availed themselves of the Poor Law machinery for the last two years in the counties of York and Norfolk with complete success, a very small percentage of occupiers in those counties having abstained from making returns. In the next place, that machinery provided them with a central body in London—the Poor Law Board, composed of most efficient gentlemen, who were in direct communication with every parish in the country, and who had the best means of knowing the most proper persons to employ in order to obtain the information they required. The Poor Law Board would not be fettered as to the means by which they obtained information, and if the boards of guardians were unwilling to furnish it they were empowered to obtain it from other persons; but he had no doubt that in ninety-nine cases out of 100 there would be no reluctance on the part of the boards of guardians to lend their assistance towards carrying out the object of the Bill. Another advantage was that in all the agricultural districts the boards of guardians were composed of the principal, and generally of the most intelligent farmers in each parish. They would meet together, and having communicated with the clerk of the union would proceed to distribute the papers and collect information. He did not think that any other machinery would be attended with as many advantages as this, and he would point out some of the inconveniences of the machinery suggested by the noble Earl. There was no direct communication between any department of the Government and the clerks of the petty sessions, and he was not sure that they would be much disposed to carry out the arrangements necessary for obtaining information; at any rate, it could not be obtained from them without additional expense. Again, if there were any unwillingness on the part of the farmers to make these returns to their landlords, surely that objection would apply more strongly if the returns were to be sent to the magistrates sitting in petty sessions, almost all of whom were landlords, instead of to the clerk of the union. The same advantages which the noble Earl anticipated from the transmission of the returns to the clerk of the magistrates, would be obtained by their transmission to the clerk of the union, and by him to the Poor Law Board who knew nothing about the individuals, and only sought information for public purposes. In many instances, indeed, the clerk of the union and the clerk of the magistrates were the same person. Then, as to the period for making the return. The noble Earl thought that the 1st of June was too early a period for the return of the first schedule. But it was desirable to have the return as early as possible, for, otherwise, no calculation could be made upon it in time to be of much service to the country, and in this respect the example of Scotland had been followed. The 1st of July had been found to be too late, but, if the 1st of June appeared to their Lordships to be too early, he would have no objection to substitute the 15th of June, or even a later day. He was anxious to have the returns of acreage made not later than the beginning of August. The noble Earl said that no definite period had been named in which these returns were to be published; but that was a matter of detail; and it might be considered hereafter whether the result should be laid before Parliament in the form of returns, or published in the ordinary channels of public information, if Parliament should not be sitting at the time. All estimates of crops like those to be made under the Bill must be more or less in the nature of approximations; yet, anything like just approximations must be of service to the country; but in Scotland the estimates made of the crops were, upon the whole, a fair and accurate representation of the crops of that country. In each district of that country a portion of the crop was thrashed out, measured and weighed, and an average was struck which was accepted as a return of the average of the whole district. This afforded a fair representation of the produce; and something of this kind was proposed to be adopted in this country. The Poor Law Board, if Parliament should intrust the duty to that body, would direct the clerks of unions to communicate with some of the principal farmers of the district, who would make actual experiments of the produce of the union or the district, or the two or three parishes in question; this would give reliable information whether the crop was an average crop or above or below an average in that district. With regard to the time to which these statistics ought to be made up, he thought the House could not expect to have them before November in each year. Until the harvesting was over and the agricultural labours of the years closed it would obviously be impossible for the farmer to give accurate information. Although, therefore, objections might be taken to the lateness of the date, he felt assured that practically no earlier date could be fixed. The noble Earl said that the second portion of the schedule was too diffuse and too much encumbered with details. To the columns relating to grain the noble Earl had no objection, but he did not approve of the details relating to the green crops, and the numerous items into which they were divided. In the first place, he (Lord Stanley) had to answer to this, that the schedule was framed upon the course of practice which had been pursued in Scotland, where no difficulty of the nature apprehended by the noble Earl had been felt in practice. And really he was at a loss to see how the matter would be simplified by diminishing the number of columns. Whether a farmer set out the entire amount of his crop under one heading, or whether he divided the information by giving the quantity of each kind of grain and green crop, the labour and difficulty to him would be the same. So also with cattle; it was perfectly immaterial, so far as the party making the returns was concerned, whether he stated in gross the number of beasts upon the farm, or whether he divided the information, and gave the number in each particular class. There were many advantages derivable from the separate entries of the schedule, and if he were correct in saying that the additional information would not impose additional trouble upon the farmer, it would be desirable to obtain it. With regard to the expenses incurred, the Board of Trade would specify the sums, and the payments that would be allowed would be settled beforehand. He thought that he had now adverted at least to the principal matters noticed in objection to this measure: those points which he had passed by would, perhaps, be better dealt with when the House came to consider the Bill in Committee.

Lord BERNERS said, that this was a question of great importance, for it was impossible to over-estimate the utility of a good system of agricultural statistics. But in order to make the measure of national importance they ought to render it as little objectionable to individuals as possible. They must conciliate the farmers, and make the schedules as simple as possible. If the farmers were impressed with any fears or prejudices upon the subject it was the duty of Parliament to allay them. The farmers did not object to make those returns, but they feared that when made they might get into improper hands and be used against them. Now, by a little timely precaution it would be easy to prevent the possibility of the returns being so used. They should show the farmers that it was for their own good that those returns should be made as accurately as possible; but, then, in order to disabuse the farmers of their prejudices the names of the individuals making those returns should not be published or made known out of their own respective parishes. He (Lord Berners) did not think it was necessary that the Poor Law Board should be made use of at all to procure this information. Under proper arrangements he did not think there would be any difficulty in obtaining this information. Another point to be borne in mind was this—that the returns should be published in time to be useful, not to the speculator for whose benefit they were not intended, but to the agriculturist, whose advantage was the legitimate object of this legislation. For this purpose in the second clause he would propose an amendment, providing that at the earliest possible period information should be given by the corn inspectors. He would also propose an amendment in the seventh clause. There ought to be a great difference made between the sins of omission and of commission, so that the man who was proved to have wilfully refused to furnish the information referred to should alone be subjected to a penalty. He could not resume his seat without expressing his satisfaction at the great improvement—both in education and in general tone of thought and feeling—which had taken place in the farmers of Great Britain within the past few years; an improvement which was one of the most gratifying features of the present age.

The Earl of HARDWICKE agreed in thinking that agricultural statistics were most valuable; but he feared that when the Bill came to be put into operation great difficulties would arise. No doubt it would be very useful to the country to get a good series of agricultural statistics, but he doubted if the manner in which the statistics would be got at through the present Bill would add much to the knowledge which we already possessed upon the subject. Certainly nothing could be of more use than accurate statistics; at the same time nothing could be of less use than inaccurate ones. We might obtain information as to the average sown, and as to the quantity of corn produced, but the most important part of the subject was the yield of corn; but on that we had no means proposed of obtaining any information. Beyond doubt, the Bill was unpopular with the farmers, and therefore, they would do nothing to aid the Government, and if they were disposed to elude giving the information required by the Bill, they could easily do it; they could refuse to thrash out the wheat until the period for making the returns had passed, and only thrash out their barley. Even if we were successful in obtaining the information, all depended on the period at which it was obtained—it would be obtained at a time which would be of no service to the small farmers—the little men who cannot reserve their stock; while those who would profit would be great men who could reserve it. The farmers would ask why they were subjected to the visits of inspectors, who came to take account of their stock.

LORD STANLEY OF ALDERLEY: There is no such power given by the Bill.

THE EARL OF HARDWICKE: Then the Bill would be useless; and he would put it to the House whether it was worth while to excite the public mind for a useless object? There really appeared so much difficulty in obtaining the results required, and so much irritation would be produced by it, that it might be doubted if it was worth while to open the question, and harass the feelings of the farmers for so uncertain a benefit. He did not understand what his noble Friend meant when he praised the arrangement of the Bill in entrusting the duties to the clerk of the Poor Law Board. He (the Earl of Hardwicke) could understand how the members of the board of guardians—many of whom were farmers and practical men, could manage the business of the Bill—but if the duty was to be entrusted to the clerk of the union, he thought it might be given to much more competent persons. He would approve of a Bill which should facilitate the obtaining correct statistics of the area laid down to wheat and barley; but the present measure would fail in providing such statistics as would be useful to the country.

EARL GREY believed that all were agreed upon the great importance of obtaining, if possible, accurate agricultural statistics. That being so, he thought the wisest course for the House to pursue would be to accept the present Bill; for he felt confident the Government would exercise the powers it would confer upon them in a manner most likely to lead to the result which all desired, and it would be for the House, after that had been done, to judge whether the objects which they had in view had been attained. No doubt it was difficult to foresee exactly how the proposed plan would really work; but such an uncertainty was the necessary accompaniment of legislation in any new direction. It was only just to say that it appeared to him that the plan proposed by the Government was, upon the whole, the best that could be devised. The plan of endeavouring to obtain agricultural statistics through the agency of the Poor Law Board had been already tried, and in two counties with considerable success. It had no doubt failed in other places, not, however, from any defect in the Board as a portion of the machinery for collecting the returns, but on account of there being no compulsory power in the Government enabling them peremptorily to require that returns should be made by unwilling persons. Such was the state of things which had been found to exist by the Committee of that House who had inquired into this matter, and that body thereupon came to the conclusion that with the grant of compulsory powers in the Executive all difficulty would end. That he believed to be the proper course to pursue, and would be acting upon the principle already applied, adopting the same machinery which had been successfully employed, but supplying the want of power which had induced a failure of success in some counties. The Government had, moreover, not only the theoretical opinion of a Committee of that House, but they had also the benefit of practical experience in Scotland, where satisfactory returns had been obtained. The President of the Board of Trade had truly said that the Poor Law Board, being already in official communication with every union in the country, enjoyed facilities for transacting this business which no other department would possess, and therefore it was advisable, in the first instance at least, to employ that agency. He might, perhaps, have felt inclined to suggest some other machinery, but their Lordships must bear in mind that the Government were making use of an existing system which had been found generally successful, and had failed in individual instances, from a specific cause which the present Bill was adapted to remedy; and, therefore, he thought it most prudent, at present, to persevere in that course. There could be no doubt that as the Government intended to obtain from Parliament the means of paying for collecting the information which it desired, there would be no difficulty in procuring it. The noble Earl (the Earl of Hardwicke) seemed to think that it would be impossible to obtain any return as to the yield of grain. He (Earl Grey) thought that the noble Earl took an exaggerated view of the difficulties attending that portion of the subject; but, even granting his objection to the fullest extent, by admitting that no return at all of the yield would be furnished, a return of acreage alone would be well worth the passing of this Bill. The Bill contained no power to compel farmers to thrash out their corn, but it had been found in Scotland that through voluntary agency a very fair estimate of the average produce in each county could be obtained. It was true that such estimates could be framed now, and were actually obtained by speculators for their own guidance and benefit; but speculators kept that information to themselves, while the Government would publish it to the whole world, for the advantage of the farmers as well as of others. The noble Earl wanted to know whether the Government intended to enter a farmer's land and thrash his corn, if he declined doing it himself. If the noble Earl had looked through the Bill he would have seen that no power for such a purpose was contained in it. But then it had been said such information would come too late, that farmers sold generally at an early period, and that statistics published in the middle of November would be of no benefit to them. In reply to that observation, he would say, in the first place, that, however desirable an earlier publication of returns might be, it was simply impossible. He would also state his opinion that it was unadvisable for farmers to combine the two separate trades of corn-dealers and producers. He knew himself of two agriculturists in Northumberland who had realised large fortunes, and who had always acted upon the rule of selling their produce directly it was ready at the market price of the day, and that plan they had found more profitable in the end than any attempt at combining the pursuits of producers and dealers would have been. But did it follow that accurate statistics published so late would be of no value to the farmer? If there were not such statistics the large speculators were able to create false impressions as to the prospects of the country, and to knock down the markets at the time when the farmer would be obliged to sell, and thus operate to the disadvantage alike of the farmer and the consumer. It was for the interest both of the farmer and of the consumer that the real state of the country should be known, which would place all dealers upon the same footing, and, in the long run, tend to equalise prices as far as they could be equalised. For those reasons he thought the House would act injudiciously if it attempted to make any serious alterations in the Bill now before it. The Bill certainly did give a large discretionary power to the Government, but he believed that it could have no interest adverse to the agriculturists, and he was of opinion it would be best to leave to the Government the responsibility of exercising those powers in the mode they thought to be most conducive to success.

THE EARL OF MALMESBURY entirely concurred with the noble Earl in the importance of procuring correct statistics in respect to agricultural produce, and he thought that large powers should be given to the Government in order to enable them to obtain that information. But it was not the Government to whom those powers were given by the present Bill—it was to the Poor Law Board. And when they were told that the Government should have complete power from the beginning to the end, in carrying out the object of this Bill, his noble Friend opposite said that such power should be given to the Poor Law Board, which was sitting in London, and was presided over by a most able and intelligent man.

LORD STANLEY OF ALDERLEY: Yes, that distinguished functionary would be responsible.

THE EARL OF MALMESBURY: No doubt; but he confessed he could not see how the Poor Law Board was in any way superior to the Board of Trade in this respect. Although the matter would be ultimately referred to the Board of Trade it was proposed that the Poor Law Board should take the initiative under this Bill. When the noble Earl who spoke last referred to the case of Scotland as an argument in favour of passing this Bill unaltered, he should recollect that the machinery adopted in Scotland was totally different from that proposed by this measure. The machinery in Scotland was of a voluntary character. There was no Poor Law Board in that country. The inquiry in Scotland had hitherto been conducted by a Gentleman at the head of the Agricultural Society there, and the inquiry would not have succeeded there but that the gentleman alluded to was characterised by a most conciliatory demeanour, and was generally popular. He hoped the noble Lord would give them some more distinct information as to the publication of the returns, which should not be made dependent upon their presentation to Parliament, as Parliament might not be sitting at the period of their completion. But what he wished most emphatically to point out was, that in his opinion the Bill would work much more satisfactorily if the inquiries under it were confined to the first investigation—namely, the breadth of land sown, with each particular crop. Upon that point exact information could be obtained; but he defied any one to arrive at accurate results with reference to the yield of each crop, while the very attempt to do so was likely to excite the jealous susceptibility of the farmers, besides adding very much to the expense of the investigation. Indeed, he thought the expenses under the Bill would be considerably more than what their Lordships were inclined to suppose; certainly they would be more than doubled if an effort were made to ascertain anything beyond the acreage sown.

The Earl of HARROWBY said, he appreciated more highly the common sense of the farmers than to suppose that they would withhold information which, if rightly understood, must be for their own advantage. He agreed with the noble Earl that the only point on which perfect accuracy was attainable was the acreage; but that would give no idea of the produce of that acreage, which was the only point on which information would be of any advantage. A good deal had been said about the irritation which the farmers would feel at this interference with their affairs. He regarded such a notion as quite groundless. The manner in which it was proposed to work the Bill could offend no one. He depended on the common sense of the farmers, and could not think them so absurd as to refuse to thrash their wheat merely for the purpose of withholding information from the country; nor that, for mere purposes of spite, they would adopt a course which would take money out of their pockets. All that was required and all that the Bill proposed to do was to ascertain the average produce of the whole district; no statement would be made to the public of the produce of any particular farm. The course which it was proposed to pursue had been marked out by a Committee of that House, upon whose recommendation the Bill was founded, with the sole difference that the Committee recommended that the management should be entrusted to the Poor Law Board, in conjunction with the Board of Trade, while the Bill gave the management to the Poor Law Board itself. He did not think it advisable to transfer the machinery of working the proceedings from those accustomed to it to others. There were matters of detail which might require to be amended, and when that was done he hoped the Bill would prove of essential service to the interests of the country.

Lord OVERSTONE said, he could not allow the opportunity to pass without informing their Lordships that Mr. M'Culloch complained very much of the manner in which his agricultural returns had been referred to by the noble Lord the President of the Board of Trade, when introducing this measure to their Lordships. He felt that he had been a great deal misrepresented; and he (Lord Overstone) thought that it was important to the character of the works of that able political economist that the misstatements of the noble Lord should not pass unchallenged. He believed the noble Lord had received a communication from Mr. M'Culloch on the subject, which, of course, he would be willing to lay before their Lordships.

Lord STANLEY of ALDERLEY said, it was quite true that he had received a letter from Mr. M'Culloch, complaining of what he termed certain inaccuracies, relative to his work on statistics, in the speech made by him when introducing the present measure. Now, he denied that there were any inaccuracies in the statement made by him relative to Mr. M'Culloch's work. What he had done was simply to read to their Lordships certain agricultural statistics as to Scotland and Ireland, given by Mr. M'Culloch, and to compare them with the results obtained by the Highland Society in Scotland and the police investigation in Ireland, with a view of showing how great was the discrepancy between the two, and thus point out the necessity existing for obtaining reliable information. As to the effect which his statement might have upon the general authority of Mr. M'Culloch's works, he certainly differed from the noble Lord. The point complained of by Mr. M'Culloch was, that when speaking of the extent of ground under potatoes in Ireland, he (Lord Stanley of Alderley) had, quoting Mr. M'Culloch's estimate as 2,000,000 acres and return of the police as under 300,000 acres, omitted to state that the former calculation was made in the years previous to the famine, while that of the police was during its operation and in the years subsequent. Now, he was perfectly ready to admit that that was a consideration which ought to be kept in mind in looking into the question, and in omitting to do so he might have been induced to draw a wrong inference, but he could not allow that he had inaccurately quoted Mr. M'Culloch. In fact, even when quoting the passage he stated that it was an inaccuracy for which Mr. M'Culloch could not be held responsible, owing to the absence of all authentic information on the subject. His only object in alluding to the these returns was, to show that if inaccuracies of such an extent existed in a work of such great authority as Mr. M'Culloch's, it was all the more necessary that some reliable means should be resorted to to obtain real statistics of our agricultural produce.

Lord OVERSTONE said, that Mr. M'Culloch's works were of great authority and ought not lightly to be misrepresented.

Lord STANLEY of ALDERLEY: I repeat I did not misrepresent Mr. M'Culloch. I simply quoted his facts and his figures, and quoted them accurately.

Earl GREY thought it was only fair to Mr. M'Culloch to state that his estimate had been put forward in the absence of all reliable information. The object of the noble Lord (Lord Stanley of Alderley) was to show the necessity of resorting to some means of obtaining authentic statistics. Mr. M'Culloch had done all that was in his power to make his book correct, but he could do no more.

The Earl of STRADBROKE said, he could not believe that the English farmers were less englightened than those of Scotland. In Scotland a similar measure had been most sucessful under the voluntary exertion of the farmers, and he felt that if a Bill of this sort should pass, the good feeling of the farmers of England would lead them to facilitate a return being made of the utmost value. He hoped the machinery of the Bill would be left in the hands of the Poor Law Board and Guardians.

The Earl of ELLENBOROUGH said, that he did doubt the zeal and activity of the Poor Law Board, but it was unfortunately very unpopular—even with the Board of Guardians, which acted under it. On that account to commit any portion of the working of this measure to the Poor Law Board would make it unpopular and create resistance where otherwise none would be made. The Bill, after all, only gave voluntary action to the Board of Guardians; in fact it could not use compulsion towards the guardians, or oblige men elected for one purpose to act for another and a totally different one. Individual farmers could not be expected to go round—first, leaving papers at the doors of all their neighbours, and afterwards calling for them; still less could they be induced to act as spies upon their neighbours. After all, there was no necessity for using the Poor Law Board and Board of Guardians; the Board of Trade would have equal facilities for procuring returns. All that need be done was to get the ratebooks and ascertain from them what farmers occupied land above two acres, and to send them the papers to be filled up. They did not want the guardians for this purpose. He objected to the difficulty of preserving the necessary secrecy if the papers passed through the hands of the guardians, and unfair uses might be made of information so obtained. He thought that the machinery of the Post Office might be employed to send back the papers after they had been filled up, and thus secrecy would be preserved. He was not one of those who were impressed with the opinion that any very great value could be attached to the information that would be obtained from this measure even if it were successful. The returns would be so deficient that it would not be safe to act upon them. If, however, Parliament determined upon obtaining a complete acreage account of the cultivation and of the produce of the country, it must be placed in hands that would have some chance of rendering it successful. If Government adhered to the provisions of the Bill, and introduced the Poor Law Board for the purpose of obtaining the information, they would do the best they could to defeat their own measure. There could be no object in employing both the Poor Law Board and the Board of Trade for the same purpose, and, as far as he was concerned, he decidedly preferred the Board of Trade.

Motion *agreed to.* House in Committee accordingly.

On Clause 1,

The Earl of DERBY concurred in the objection to the existence of a divided authority in reference to the collection of the information, and thought the duties under the Bill had better be confined to the Board of Trade, excluding the Poor Law Board. He, therefore, proposed in the first clause to omit the words "Poor Law Board," and insert instead, "The Board of Trade."

Lord FEVERSHAM said, he highly approved of the Bill, and thought it would disarm opposition and secure the confidence of the country generally, if the alteration suggested were agreed to. There was a strong feeling throughout the country against entrusting the management of this business to the Poor Law Board.

Lord STANLEY of ALDERLEY said,

he must resist the Amendment. He wished to employ the Poor Law Board, because upon previous occasions it had been tried with great success. Besides, the whole matter had been maturely considered by a Committee of their Lordships' House, who had unanimously recommended the employment of that machinery. In the Poor Law Board they had an efficient staff without any considerable trouble or expense, and a prompt system of communication between one part of the country and another.

LORD BERNERS, as a Member of the Committee, begged to say that it was one of the last days of the sitting when that portion of the clause was agreed upon. It was in evidence that the Poor Law officers would be the most objectionable persons that could be employed in the business, and that if relieving officers were employed in collecting the statistics, the greatest jealousy would be excited amongst the farmers.

THE MARQUESS OF BATH supported the Amendment.

Their Lordships *divided:*—Content 18; Not Content 13: Majority 5.

Clause *agreed to.*

On Clause 2, providing for the arrangement and publication of abstracts of the returns.

THE EARL OF DERBY complained that no mention was made of the time within which the abstracts were to be given to the public by the Board of Trade.

THE EARL OF ELLENBOROUGH thought the best plan would be to publish the returns from time to time as far as they went. If, however, the returns were confined to those provided for by the clause, they would not secure the object proposed. A large portion of the corn consumed in the three kingdoms was now imported from abroad, and unless means were taken to obtain returns of the supplies in foreign ports, these agricultural statistics would be of little use to the farmer.

LORD STANLEY OF ALDERLEY said, the farmers could always derive information as to the quantity of corn imported from the monthly returns of the Board of Trade. The returns under this Act would always be made public as soon as possible, and although it was not desirable to fix any particular day, he thought it would certainly be published within two months of the 1st of July.

THE MARQUESS OF SALISBURY suggested a limit of two months.

Lord Stanley of Alderley

THE EARL OF DERBY proposed to insert words to the effect that the returns should be made public on or before the 1st of September.

Upon the suggestion of the Marquess of SALISBURY, the words, "not later than the 1st of September" were inserted in the clause.

LORD BERNERS suggested that the returns should be sent to the clerk of the market of every market town.

THE EARL OF DERBY hoped that some more effectual mode of publication than by advertisement in the *London Gazette* would be adopted. He also suggested the propriety of adding comparative returns of the previous, or of several previous years, which would really be of great value.

Clause, as amended, *agreed to.* Clauses 3 to 6, *agreed to.*

Clause 7, which provides that any occupier neglecting to make a return, "by inserting truly the particulars of information therein specified and described," may be examined as to the particulars before a justice, or may be compelled to pay the expense of obtaining the information.

THE EARL OF ELLENBOROUGH said, the provisions of this clause were very important. He gathered from them that the person who collected these returns would have to read them—otherwise, of course, he could not act upon the clause. This would provoke an immense deal of jealousy on the part of the farmers. The relieving officer or the poor law guardian was to be the only person who could proceed before the magistrate against a defaulter. That could not work. Secrecy was essential to the success of this measure, and their Lordships were now legislating in favour of publicity. They might depend upon it that there would be a passive resistance to the system it was now proposed to introduce.

LORD STANLEY OF ALDERLEY said, that of course the collector must ascertain whether the return was properly filled up. It might be improperly filled up, or sealed and not filled up at all. He could not think that there would be much difficulty in this case, or that a farmer would have any objection to a collector seeing the number of acres that he had under cultivation.

THE EARL OF ELLENBOROUGH could not see why, when the proper paper had been delivered, they could not be sent up to London direct, and the authorities here could take proceedings if the returns were incorrect.

The Earl of STRADBROKE did not share in the apprehension of the noble Earl, as all farmers knew how their neighbours' land was cultivated.

The Marquess of BATH drew attention to the fine of 20*s.* imposed by this clause upon farmers not filling up the returns, which fine was to be paid to the collector for his trouble and expenses. In the 9th clause, the same description of offence was visited by a penalty not exceeding 40*s.* Were those fines to be concurrent and cumulative at the option of the collector?

The Earl of ELLENBOROUGH observed, that under the 9th clause a penalty of 40*s.* could be inflicted upon any farmer not filling up a return, and a similar penalty for not returning the paper so filled up, thus making, with the 20*s.* to be paid to the collector, a total fine of £5, which, to small farmers, was a sum of great importance.

Lord STANLEY of ALDERLEY said, it certainly was not intended the penalties should be cumulative; and as there was a doubt upon the clauses as they stood, he would consider the matter before bringing up the report, and, if necessary, propose some alterations in them.

Clause *agreed to.*

Clauses 8, 9, 10, 11, *agreed to,* with verbal Amendments.

On Clause 12, relating to the allowances and expenses for making the returns and estimates required by the Act,

The Earl of ELLENBOROUGH said, his impression was, that the expense attending the collection of the returns would be very great. The noble Lord the President of the Board of Trade had spoken of £20,000, but he apprehended that was a very rough estimate indeed. He remembered the expense attending what might be called the enumeration of the people, and he thought the expense attending the present Bill would not be much less than £100,000 a year.

Lord STANLEY of ALDERLEY stated that, according to the estimate he had been able to make, the cost for preparing the documents required would not exceed £25,000 a year.

Clause *agreed to;* as were also the remaining clauses of the Bill.

Report to be received on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 4, 1856.

Minutes.] New Writ.—For Chippenham, *v.* Joseph Neeld, esq., deceased.

Public Bills.—2° Public Works; Public Works (Ireland).

THE NEW WAR OFFICE—QUESTION.

Mr. H. BAILLIE said, he would beg to ask the right hon. Baronet the First Commissioner of Works whether it was the intention of Government to erect a new War Office in Pall Mall?

Sir BENJAMIN HALL in reply said, that a short time ago he received a communication from the War Department, stating that they desired to have a new building erected in Pall Mall, on the site of the present Buckingham House and some houses between that mansion and the Ordnance Office. Remembering what occurred in that House last year, he though it better to communicate with the Treasury upon the matter; and, as it showed his views upon the subject, which had been sanctioned by the Government, he would read an extract from his letter. In that letter he said—

> "I desire, however, to call your Lordships' attention to the following fact. When a Vote was proposed last year of £90,000 for new public offices in Downing Street the House was of opinion that it would be desirable to have a much larger plan for new Offices than that which was then proposed, and that all the public departments should be concentrated as much as possible, and instead of voting £90,000 the amount was reduced to £40,000, on the understanding that £30,000 should be expended in the purchase of the site then proposed to be taken, and £10,000 in such repairs as were absolutely necessary in the existing Offices, which were considered to be in a very bad condition. I am quite prepared to lay before Parliament a plan for taking all the ground which lies between Downing Street on the north and Great George Street on the South, and Parliament Street on the east and St. James's Park on the west, if your Lordships should approve my so doing. But this ground can only be obtained in the usual way—by notices given in the autumn, and a Bill in the House in the spring."

The point suggested for the consideration of their Lordships was whether the wants of the War Department were urgent, or might stand over until this concentration of Offices could be carried out. In case of the wants being urgent, he suggested the propriety of obtaining a surrender of the lease of Montague House and its grounds from the Duke of Buccleuch; and he concluded his letter with an expression of his opinion that the proposed site in Pall Mall was too contracted, and that it was most desirable to concentrate all the departments as much as possible in one part of the metropolis, which should not be far from the Houses of Parliament. The course which he was now prepared to take was, in a short time to move for a Select Committee to consider the expediency of obtaining a site for the concentration of the Public Offices in the neighbourhood of Downing Street. If the Committee should recommend, and the House should sanction such a plan, he should then be prepared to give notice in the autumn for the purpose of acquiring the property by means of an Act of Parliament. He should further propose that, as the buildings to be erected would be of a national character, the competition for their design should be thrown open to the architects not only of England but of the whole world, in order that we might at last have some public building worthy of the metropolis.

OXFORD UNIVERSITY STATUTES—QUESTION.

SIR JOHN PAKINGTON said, he wished to put a question to the right hon. Baronet the Home Secretary relative to a subject which had been recently before the House in connection with the new Statutes of the Oxford Colleges—namely, whether the designs of the founder should be so far respected as that pecuniary circumstances should be treated as an element in the election of candidates for fellowships. He wished to know if the right hon. Gentleman had received any information of the fact that a very stoug memorial, signed by 106 residents in the University of Oxford, including among them some of the heads of houses, had been presented to the University Commission, setting forth the views of the memorialists with reference to that subject? If the right hon. Gentleman was not yet aware of the fact, he (Sir J. Pakington) could state that a memorial of that sort had been presented to the Commission. He would therefore thank the right hon. Gentleman to inform him whether he was willing to adopt such measures as should ensure to the memorial the consideration of the Committee of Privy Council which he had stated on a previous occasion should be appointed to consider this and other questions raised by the new statutes?

SIR GEORGE GREY said, he had not received any information with regard to the presentation of such a memorial to the University Commissioners. A preliminary meeting of the Committee of Privy Council, to which the right hon. Gentleman had alluded, was held on Wednesday last to take those statutes into consideration. He himself was unable to attend on the occasion in consequence of his presence being required in that House; but at that meeting arrangements were made with regard to the future course of business and the means which were to be taken for allowing parties who had entertained objections to the statutes to appear before the Committee. There could be no doubt that the memorial referred to would be considered by the Commissioners.

In answer to another question by SIR JOHN PAKINGTON,

SIR GEORGE GREY said that the proper course for persons to pursue who objected to the new statutes, was, he apprehended, to memorialise the Queen in Council, after which their memorials would be referred to the Committee.

LAMPETER COLLEGE—QUESTION.

MR. LLOYD DAVIES said, he wished to ask the Secretary of State for the Home Department, whether it was his intention to bring in a Bill to repeal the clause in the Act of the 16 & 17 of Her present Majesty which authorised the removal of St. David's College from Lampeter to Brecon, under the sanction of Her Majesty, advised thereto by the Privy Council; and if not, whether such sanction would be withheld, in compliance with the prayer in the numerous petitions presented on the subject?

SIR GEORGE GREY said, it was not the intention of the Government to propose a Bill for the repeal of the clause by which it was in the power of the Ecclesiastical Commissioners, if they thought it expedient to do so, to remove the College from Lampeter to Brecon. He might state, however, that he had received many memorials against the removal, which would be transmitted to the Privy Council Office, for it was there the question would be entertained. But he was informed that there was no scheme for the Privy Council for the removal of the College; and upon inquiry of the Ecclesiastical Commissioners, he learned that no proposition of that sort had been submitted to them. At all events, no final decision would be come to upon the subject of removal without giving the parties who had forwarded memorials against it an opportunity of urging and explaining their objections.

TRAFFIC IN GIRLS TO HAMBURG.

On the Motion that the House, at its rising, adjourn to Monday,

Mr. HILDYARD said, that, pursuant to notice, he would beg to call attention to the case of Susannah Evans, a girl of sixteen years of age, who was inveigled away by a Belgian procuress, and conveyed, with some others, to Hamburg for the purpose of prostitution. Colonel Hodges, the British Consul, had stated that there was a systematic business carried on in that city of importing young girls from this country for immoral purposes, and that he was powerless, without the intervention of his Government, in interposing any obstacle to the practice. He (Mr. Hildyard) was aware that the subject was surrounded with peculiar difficulties, and his object in drawing attention to it was not to embarrass, but rather to aid, the Government in efforts which he was sure they were anxious to make to put a stop to so revolting a traffic. It appeared that the municipal authorities of Hamburg had taken prostitution under their especial control, and derived no inconsiderable revenue from it, it being the practice to compel every unhappy being who entered upon that wretched calling to pay to the municipality of that city a sum equivalent, in British money, to £7 10*s*. a year. On this proceeding he would not animadvert further than to say that if a State thought proper to take so abominable a traffic under its supervision, and to levy a tax from such a source, other Governments had a right to demand that such police regulations should be adopted as would secure the impossibility of a young and innocent foreigner, such as this girl appeared to be, being consigned, against her will, to the miserable and degrading position to which the wretches who had attempted to decoy her desired that she should be reduced. He was informed that the woman who decoyed her away was known to the captain of the steamer in which the girls were taken to Hamburg, and also to the police of this country; and he was sure, now that the question had been brought to the notice of the right hon. Baronet, that he would take steps to ascertain whether the law could not be put in force in some way or other to impede and obstruct, if not altogether to put an end to, a traffic so disgraceful to any Christian country. The question he had to ask the right hon. Baronet was, whether the attention of the Government had been directed to the case of Susannah Evans, a girl of sixteen years of age, conveyed to Hamburg for the purpose of prostitution; and whether, in consequence of the disclosures elicited in the investigation of that case before Sir Robert Carden, any correspondence had taken place between the Foreign Secretary and Colonel Hodges, the British Consul at Hamburg?

Sir GEORGE GREY: Sir, Her Majesty's Government have, as a matter of course, had their attention directed to the case to which the hon. and learned Gentleman's question refers, by the publicity given to the circumstances attending it in the proceedings at the City Police Courts. A despatch has also been received from Colonel Hodges, the British Consul at Hamburg, addressed to my noble Friend the Secretary of State for Foreign Affairs, giving an account of the case in question, and other similar cases, which have come under his notice; and, from his statement, it appears that an extensive traffic is now going on between the ports of London and Hull and the port of Hamburg in this way. Colonel Hodges' letter to the Secretary of State for Foreign Affairs was transmitted to me, in order that an investigation might be instituted into the matter, and I have accordingly placed myself in communication with the Mayors of Liverpool and Hull, the Lord Mayor of London, and the chief officers of the metropolitan police, directing them to take measures which will, I hope, obstruct, if not altogether prevent, the disreputable traffic.

METROPOLIS LOCAL MANAGEMENT ACT.

Mr. W. WILLIAMS said, he wished to ask the hon. and learned Attorney General whether he intended to proceed with the Bill to amend the Metropolis Local Management Act; and, if not, to ask the right hon. Baronet (Sir B. Hall) what means he intended to adopt to remove the difficulty caused by conflicting opinions among eminent lawyers respecting the provisions in the said Act as regarded the election of parish officers? The clear understanding was to leave the election of the churchwardens, overseers, and guardians in the hands of the ratepayers, and not to delegate that power to the new vestries; but the way in which the clauses had been drawn had led to a difference of opinion, the result of which had been in several parishes double elections.

SIR BENJAMIN HALL said, he would, in the absence of his hon. and learned Friend the Attorney General, answer both questions. His hon. and learned Friend had, upon the representations of certain Members of that House, introduced a Bill to amend the Metropolis Local Management Act, but great objection was taken to it, and it was not, therefore, his intention to proceed with it. His hon. Friend (Mr. Williams) then asked him to take steps to remove the difficulties which had arisen in consequence of the conflicting opinions as to the intention of the Act with reference to the election of parochial officers. Now, his hon. Friend said that it was not intended to supersede the old vestries; but when the Metropolis Local Management Bill was before the House, he (Sir B. Hall) brought up a clause, copied from the Act of Parliament known as "Hobhouse's Act," for the purpose of superseding the old vestries, which was supported by his hon. Friend. When he was asked if he had done anything to destroy the local authorities, he replied that he hoped not, as he had taken the clause from an Act which had existed for many years. Lawyers, however, differed on the point whether the functions of the old vestries had been handed over to the new ones or not. In his opinion they were, and he thought that no Bill was required to settle the point. He thought the best course to be pursued was, that a good case should be made out by a parish, which could be taken, by means of an amicable suit, before the courts of law, so as to obtain the opinion of the Judges on the question; and if it was decided that the object intended was not carried, he would bring in a Bill declaratory of the law.

MR. T. DUNCOMBE said, that the object of the Bill, which, in the first instance, had been hurried forward with the utmost precipitation, but which they were now told the Attorney General intended to abandon, was avowedly to prevent litigation, but the right hon. Baronet (Sir B. Hall) now appeared as the advocate of litigation, and recommended parishes to appeal to the Queen's Bench in order to ascertain how the law was to be construed. There were in the metropolis some eight or ten parishes possessing ancient privileges which they highly valued, and which they were not prepared to sacrifice without resistance, and among those parishes were three in the borough he represented—namely, St. James's, Clerkenwell, St. Luke's, and Stoke Newington. He had, therefore, given notice that, on the Motion for going into Committee on the Bill, he would move that it be referred to a Select Committee, in order that inquiry might be made into the ancient and valued rights of certain parishes relating to the affairs of the Church and the management of the poor, with the view of ascertaining whether those rights were interfered with or not by the Metropolis Local Management Act. He must say he thought that Act had been passed under false pretences, for the House had been assured by the right hon. Baronet (Sir B. Hall) that the select vestries would be appointed merely for sanitary purposes. In the parish of St. Luke, the annual parochial expenditure was above £40,000; and in the parish of St. James there were 6,000 ratepayers, who not only elected their own officers, and managed the affairs of the poor, but who also appointed the rector of the parish. Were those powers, then, to be taken out of the hands of the ratepayers, and vested in some thirty or forty gentlemen? He remembered the right hon. Baronet said, when the measure was under discussion, that it was not intended to interfere with questions relating to the Church or to the poor, and that the object of the measure was to carry out certain sanitary schemes; but now the right hon. Baronet turned round and said to the parishes, "You may go to law if you like." If he (Mr. Duncombe) had been aware of the real nature of the measure, which was most deservedly unpopular, he would have given it all the opposition in his power. He hoped the hon. and learned Gentleman the Attorney General did not mean to abandon his Bill for amending the Metropolis Local Management Act, but it would of course be for the House to determine whether the Order for that Bill should be discharged or not; and if a Motion should be made for discharging the Order, he (Mr. Duncombe) would propose the Amendment to which he had referred. Although the right hon. Baronet (Sir B. Hall)—who, before he took office, professed to be a supporter of the principle of local self-government, and who dared not express before the electors of Marylebone the opinions which he expressed in that House—had told them that the Bill would be withdrawn, he trusted the Attorney General would agree to refer it to a Select Committee.

The ATTORNEY GENERAL said, he must say that it was very difficult to please the hon. Member for Finsbury. When he (the Attorney General) introduced the Bill for amending the Metropolis Local Management Act, and sought to pass it as speedily as possible with the view of preventing litigation, the hon. Gentleman was loud in his denunciations of the measure, on the ground that it interfered with the ancient rights of parishes. His (the Attorney General's) only object had been to prevent the great expense and anxiety of that litigation in which he saw the metropolitan parishes were likely to be involved, and to give a legislative interpretation to the ambiguous provisions of the Act. He inquired of the right hon. Baronet (Sir B. Hall) what had been the intentions of the framers of the Act, and what, so far as it could be ascertained, had been the intention of Parliament in passing the particular clause with respect to which doubts had arisen, and he was informed the intention had been to hand over the management of affairs relating to the poor and to the Church to the new vestries; and with that object, accordingly, he framed the Bill. The hon. Gentleman (Mr. T. Duncombe) denounced the Bill as an interference with popular rights, and he was backed by a large portion of the public. He (the Attorney General) did not wish to force the Bill or his own interpretation of the doubtful clause of the Act of Parliament upon the parishes if they were not disposed to accept it; and, therefore, having ascertained what was the general feeling of the parishioners on the subject, he was not inclined to proceed with the Bill. On the contrary, he was disposed to stand neuter; and if the hon. Gentleman should bring in a Bill to solve the doubt the other way the House might deal with it as it chose.

Mr. WILKINSON said, that it was hardly fair to say to the parishes, that because Parliament had passed an ambiguous Bill they must go into the courts of law to construe its provisions, and he thought that the Government should provide some remedy for the doubt which now existed.

OUR RELATIONS WITH THE UNITED STATES.

Viscount GODERICH said, there appeared in the newspapers of this country a short time ago certain documents which purported to be copies of a despatch addressed by Mr. Crampton, our Minister at Washington, to Mr. Marcy, the American Secretary of State for Foreign Affairs. He would read that supposed or real despatch to the House. It was dated the 27th of February, 1856, and was couched in the following terms:—

"Washington, Feb. 27, 1856.

"My dear Sir,—Observing that some misapprehension seems to exist as to the offer made by Lord Clarendon to Mr. Buchanan to submit the points regarding the interpretation of the Clayton Bulwer Treaty, upon which the two Governments disagree, to arbitration, I think it well to send you the enclosed despatch, which I received from Lord Clarendon on the subject in December last. I regret not having made you this communication before, but the truth is, that the last paragraph of the despatch escaped my attention until I referred to it lately; and as I was aware that the negotiation of the question regarding Central America was in Mr. Buchanan's and Lord Clarendon's hands, I considered the despatch as meant merely for my own information as to what was going forward upon a subject in regard to which I inferred you were already informed.

"Believe me yours very faithfully,
"John F. Crampton.

"P.S.—I send the original despatch, which I will beg of you to return to me, but I have no objection to your taking a copy of it.
"J. F. C.

"Hon. William L. Marcy, Secretary of State."

The following was the despatch of Lord Clarendon to Mr. Crampton referred to in the foregoing:—

"Foreign Office, Nov. 10, 1855.

"Sir,—Mr. Buchanan having, in the course of conversation, a few days ago, adverted to the impression that would be created in the United States by the non-settlement of the Central American question, I again assured him that England had no wish to extend her influence or to obtain any territory in that part of the world; and I reminded him that, as the difference between this country and the United States turned solely upon the interpretation of the treaty of 1850, I had offered on the part of Her Majesty's Government to submit the case to the arbitration of a third Power, but that he had declined the offer.

"Her Majesty's Government, I said, would still abide by that offer, and thought it would be the fairest and most amicable manner of arriving at a settlement of the question. Mr. Buchanan said he would make it known to his Government, and you are instructed to communicate this despatch to Mr. Marcy.

"I am, with great truth and regard, Sir,
"Your most obedient humble servant,
"Clarendon.

"J. F. Crampton, Esq., &c."

It was of great importance to the public interests that instructions of that nature should be strictly obeyed, and it must be the desire of Mr. Crampton himself that correct information on the subject should be given to the House and the country. He therefore wished to ask the noble Lord at the head of the Government whether the document purporting to be a despatch by Mr. Crampton was authentic, and whether an interval of two or three months did occur between the receipt by Mr. Crampton of the despatch of Lord Clarendon, dated the 20th of November, 1855, and the communication of its contents to the American Government?

Mr. GLADSTONE: Sir, I wish to make a few observations before my noble Friend the First Lord of the Treasury answers the question which has been addressed to him. I do not propose to say a single word upon that portion of the American question with which the name of Mr. Crampton is more immediately connected, namely, that which relates to the recruiting within the limits of the United States; because, as regards that branch of the subject, we have been told in distinct terms by Her Majesty's Government that it is still in their hands, and has not yet arrived at a conclusion. But what I desire to do is to call the attention of the House to the position in which it is placed with respect to the other portion of the American question, namely, that which relates to Central America. It appears—in a form not indeed official but perfectly authentic and indisputable—that in the month of September last Lord Clarendon made a communication to the American Minister in which he intimated that, on the side of the British Government, the correspondence might be considered as concluded. That communication from Lord Clarendon was followed by a similar one from Mr. Buchanan, which appeared likewise to wind up the correspondence on the part of the Government of the United States. On one of the first days of the present Session a question was put to my noble Friend at the head of the Administration with regard to the production of the papers relating to Central America. The answer of my noble Friend on that occasion was general, and did not intimate that any papers on either branch of the American question would immediately be produced. But a few days later the subject was revived, and then my noble Friend stated that, although that portion of the question which related to the recuiting was still in the hands of the Government, yet that portion which referred to Central America, and which had been the subject of a separate correspondence with the Government of the United States, had been concluded, and that, consequently, the papers might be produced to the House. That answer was given by my noble Friend about two months ago, and within a week or so after the opening of the Session. Now, let the House observe the position in which we are placed with respect to this important question. I certainly am the last man who would wish to interfere with the discretion of the Government as to the time of producing papers upon a great political subject; but my noble Friend told the House in the beginning of February that the time had arrived when the documents relating to the Central American question ought and should be produced, and yet to this hour we have seen or heard nothing of those papers. A few days ago, indeed, after a long delay had taken place, another question was addressed to my noble Friend upon the production of those despatches, and we were then told that the Foreign Office had been so much occupied of late with other matters that it had not been possible to prepare them. That was, I think, in the commencement of the present week, and still we have no definite prospect before us as to the time when these documents are to be laid before us. Now, I do not propose to give an opinion upon the question whether the papers should be produced or not; but I do confidently say that their production ought not to be delayed from week to week and from month to month, because persons in the Foreign Office are much occupied with other matters. The subject is a great deal too important to allow any obstacle of that kind to intervene; and what I would put to my noble Friend and to the House, with great confidence, is this, that either the papers ought to be produced, or else we ought to understand—and, I confess, it would be far more agreeable to me to hear this than even to have the papers—that, although the correspondence of last year was concluded, yet the subject has not passed from the hands of the Government; that no *ultimatum*, so to speak, with respect to Central America, has been exchanged between the two Governments; but that Ministers still entertain the hope that by friendly communications with the American Government the question may be brought to an amicable and satisfactory conclusion. For, Sir, it appears to me that this House will incur a very heavy responsibility if, after we have been told that the Government has ceased to deal with a question of this nature, we do not demand information with regard to it. Where the responsibility of the Government ends there the responsibility of the House of Commons begins. And what happens? While we thus go on from month to month—while Parliament is silent on the question—though I do not want the voice of Parliament to be heard as long as the Government feels that an amicable arrangement may be concluded—while our mouths are kept shut from the want of official information, other voices go forth—other voices which, I must say, have sounded a note the most opposed to wisdom, to justice, and to peace, as well as to those friendly—I would almost venture to say affectionate—relations that I am sure every man in this House would wish to see prevailing between Great Britain and the United States. It is believed, or at least rumoured, that the Minister who has recently arrived from America is armed with instructions and powers that will enable him to deal in a friendly spirit with this question, and I sincerely trust he will be met in a corresponding spirit by our Government. Do not let my noble Friend suppose that I am anxious for the production of the papers to which I have referred if the matter is still in the hands of the Government. What I want is this, that if he and his colleagues have done with the question we should be informed of all the steps they have taken, in order that we may be in a position to judge of our own duty. I have spoken of the unwise and inflammatory language that has been held in other quarters by what are taken to be organs of national opinion. I may also speak of rumours that I think are calculated to create uneasiness in the mind of every Member of this House. For example, there is a rumour—unauthentic, and I hope untrue—that additions have been made, or are about to be made, to the military force in Canada. I hope that before any additions are made to the military force in British North America, in the present state of our relations with the United States, this House will have an opportunity of uttering its voice with regard to those relations; for I am convinced that whenever the voice of this House is heard it will be so in a manner calculated to promote the interests of peace and good neighbourhood between the two countries. I think my noble friend will feel the fairness of what I have stated, namely, that if he and his Government have done with this question the House ought to be put in immediate possession of the papers; but I would far rather hear from him that he has not done with the question; that, in the present state of the diplomatic arrangements of the two countries, there is a possibility or likelihood of further communications taking place between the Governments; and that he still entertains the hope that, as regards the contested claims in Central America, a perfectly good understanding may be established between Great Britain and the United States.

VISCOUNT PALMERSTON: Mr. Speaker, my right hon. Friend having been in office knows as well as any man what is the organisation of the various Governmental departments, and how the business in each of them is performed. He knows as well as any man that those departments, efficient as they may be for general purposes, are not calculated to deal quickly in extraordinary and unexpected circumstances; but yet my right hon. Friend has blamed the Government, and the Foreign Office especially, for not having produced these papers at an earlier period. My right hon. Friend has referred in a slighting manner to the other business which the Foreign Office has lately had to transact. [Mr. GLADSTONE: No, no!] I beg my right hon. Friend's pardon, but he did. Now, the House must be aware that a most important and difficult negotiation has just been taking place, in which the Foreign Office has been the department chiefly engaged. It cannot either forget that from the commencement of the Session there was, for a time, a great pressure upon the Foreign Office for the production of the papers relating to the siege and capitulation of Kars. The collection of those papers required great care and attention on the part, not of persons holding an inferior position in that department, but on the part of those holding the higher positions in that office, and those papers have been laid before Parliament. As regards the papers connected with the Central American question, I can only say that they are nearly completed; and I trust to be able, in a very few days, to lay them before Parliament. I must say, with regard to this subject, that I entirely decline to follow the example or to be led by the exhortation of my right hon. Friend into entering into the discussion of a question the circumstances connected with which have not yet been laid before this House, and I am content to wait for the judgment which the House may pronounce when it has before it materials upon which to form an opinion. With regard to the question of my noble Friend (Viscount Goderich), I can only say that I believe the document to which he has alluded is a correct copy of the communication made by Mr. Crampton to Mr. Marcy upon the instructions which he had received from Lord Clarendon; but, at the same time, I think that it must be obvious, even from what my noble Friend has read, that no inconvenience could accrue to the public service from any accidental delay, because the instructions upon the part of Lord Clarendon had already been communicated to Mr. Buchanan, at that time the Ambassador of the United States in this country; and I think that that will be seen from the papers which will be shortly laid before this House with regard to the Central American question.

ORDNANCE—THE DEFECTIVE MORTARS.

Mr. MALINS said, that on Tuesday last he put a question to the right hon. Gentleman the Clerk of the Ordnance as to whether the Government had satisfied themselves as to the groundlessness of the accusation against Messrs. Grissell of having put pieces of iron into certain mortars supplied to the Government with a view to conceal defects in them, and the right hon. Gentleman said he was in communication with Messrs. Grissell on the subject; and as he had not yet received an answer, he (Mr. Malins) was obliged to postpone bringing forward the subject to-night on going into Committee of Supply. As he intended to make it the subject of a Motion, he begged to ask the right hon. Gentleman whether he would have any objection to lay on the table the papers relating to the question?

Mr. MONSELL said, that there was not the least objection to laying on the table of the House all the correspondence which had taken place between the Ordnance and the Messrs. Grissell with respect to the fraud alleged against that firm in the fulfilment of their contract.

THE CRIMEAN COMMISSION REPORT.

Mr. PALK said, that the House was well aware that a Board of Officers had been appointed to inquire into certain charges made in the Report of Sir John M'Neill and Colonel Tulloch against the professional character of certain officers of high standing. The names of those officers had been laid before the public, but there was one department to which, as regarded the inquiry, no reference had been made. He begged, therefore, to ask whether that portion of the Report of Sir John M'Neill and Colonel Tulloch, which referred to the Commissariat in the Crimea, would be investigated by that Board? The inquiry most desired by the country was, whether any certainty could be arrived at as to who were the persons most in fault as regarded the deficiency of supplies; and he wished, therefore, to know if that portion of the Report would be taken into consideration?

Viscount PALMERSTON said, as he understood the question of the hon. Member, it was, whether the Officers of the Commissariat Department, who might think their conduct was impugned, would have the same opportunity of giving explanations which was afforded to other officers. The answer he had to give was, unquestionably yes.

The Motion for the adjournment of the House until *Monday* was then *agreed to.*

SIR CHARLES NAPIER AT ACRE.

On the Motion that Mr. Speaker should leave the Chair, that the House might go into Committee of Supply,

Sir JAMES GRAHAM said: Sir, I am at all times most unwilling unnecessarily to obstruct the business of the House, or to avail myself of the opportunity afforded by this Motion to bring under its notice matters which personally concern myself. On Monday last, the first day after the recess, I intended to have taken the course which I am now reluctantly driven to pursue. But, Sir, the honour of every Member has at all times been regarded by the House as its own property, and it is the duty of every Member to defend himself when an attack has been made impeaching that honour, more particularly when it also impeaches his veracity. I would gladly have avoided the revival of the unhappy controversy which has arisen between myself and the hon. and gallant Admiral the Member for Southwark (Sir C. Napier). The House has heard enough, perhaps more than enough, of that unhappy affair. It was most contrary to my wish needlessly to revive that subject; but during the early part of the recess a letter appeared in *The Times*, signed by the hon. and gallant Admiral, which I will now beg to read to the House, and it appeared to myself and to my right hon. and gallant Friend the Member for Gloucester (Sir M. Berkeley), who is also mentioned in it, utterly impossible for us consistently with our duty to omit commenting upon this letter, and endeavouring to substantiate to the House the truth of the statements which we had made. The letter, which was addressed to the Editor of *The Times*, and was dated March 15, is in these terms—

> "Sir: Sir James Graham stated in his speech that I had advised Sir Robert Stopford not to attack Acre; and Admiral Berkeley went further, and said that the night before I told Sir Robert Stopford 'that if he sent him into the position marked out for him his ships would not swim for half an hour.' My reply is not correctly reported, and I have to request you will give insertion to this letter.
>
> "I stated in my reply that, upon my honour, I did no such thing; and I now beg to say that there is not one word of truth, or even a shadow of truth, in those statements; they were got up to damage me.
>
> "I remain your obedient servant,
>
> "March 15. "Charles Napier."

Now, Sir, not only is that letter a direct impeachment of my veracity, and of that of my right hon. and gallant Friend, but it ascribes to us motives of the darkest and most malignant kind. I hope the House will do me the justice to remember that, notwithstanding the many attacks which the hon. and gallant Member has thought it consistent with his duty to make upon me, whether in letters or in speeches, in taverns or upon the hustings, I have never taken the least notice of any such attacks except in my place in Parliament, and then only when I have been placed on the defensive. Having said so much, Sir, I shall now call the attention of the House to what were the allegations made by myself and my hon. and gallant Friend (Sir M. Berkeley) in the former debate, and will submit to the House the evidence which I believe will fully sustain those allegations. This is a matter of fact and evidence must be adduced; but I rely upon the justice and patience of the House for attention to that evidence, hoping that it may not be unduly long or tedious. I am, however, anxious to preface what I am about to say with regard to the naval operations before Acre with one observation. I give to the hon. and gallant Officer the Member for Southwark the utmost credit for the gallantry and the ability with which in Syria, on land, he conducted, even beyond the limits of his profession, military operations—leading the Turks to victory. I also give to him the utmost credit for the effect of those operations in sustaining the British interests in the East, by the expulsion of the Egyptians from Syria at that time. The matter at issue between the hon. and gallant Member and myself is with respect to the naval operations of that war, and this question arises out of discussions with reference to the conduct of the gallant Admiral when in command of the Baltic fleet. In defending myself from the attack made upon me by the hon. and gallant Member in this House, I incidentally observed that I thought there was an erroneous impression abroad that the success of the naval attack upon Acre was due to the hon. and gallant Member, and that that attack emanated from his counsels and advice. Nay, more; I went on to say that I had reason to believe, from recent inquiry, that, so far from that attack having been counselled, it had been objected to by him; and that the late Sir Robert Stopford and Sir Charles Smith, commanding the military in conjunction with him, decided to make that attack in opposition to the opinion of the hon. and gallant Member. The next allegation is, that when, before the attack, Sir Robert Stopford pointed out to the assembled officers the position to be taken up by the different ships, he assigned to the *Powerful*, the ship which the hon. and gallant Officer (Sir C. Napier) then commanded, a particular position, close to the north-west angle of the fortifications of Acre. The hon. and gallant officer objected to that position, and said that if it were taken up by him his ship would be sunk in half an hour. The third allegation is, that on the following day, when the attack was made, he did not carry into execution the orders of Sir Robert Stopford; did not take up the position assigned to him, but let go his anchor at a considerable distance from it, in a position less exposed; and that by so violating the orders of his Commander in Chief he threw the whole of the naval operations into considerable confusion. The fourth allegation is, that the capture of Acre did not take place in immediate consequence of the bombardment, but that the place was entered by a body of troops landed at a considerable distance from the post occupied by the *Powerful*, and that that landing was an operation in which the hon. and gallant Admiral had no part. The last allegation is that, on the morning after the battle took place, the hon. and gallant Officer made his appearance on the quarter deck of the flagship, and expressed a hope that Sir Robert Stopford was satisfied with his conduct on the previous day, and that Sir Robert Stopford told the hon. and gallant Officer in express terms that he was anything but satisfied with the position which he took up. These are the allegations. The hon. and gallant Officer has pledged his honour that there is neither truth nor the shadow of truth in them. I join issue with him there, and I am prepared to sustain the truth of all I have advanced. Now, Sir, the best evidence which could be adduced in support of these allegations would be the evidence of Sir Robert Stopford himself. Unfortunately, that officer is no more. The documents and papers of Sir Robert Stopford would have furnished irresistible evidence. I have made an appeal to Lady Stopford, the widow of the late Sir Robert, but those papers are under seal and in the possession of executors. More than one of those executors are absent from England, and the papers therefore cannot be opened or produced. The next evidence would be the Secretary of Sir Robert Stopford, but the Secretary of Admiral Stopford is also dead. The next best evidence would have been the evidence of Admiral Fanshawe, who was the flag-captain of Admiral Stopford, and was therefore cognizant of all the proceedings; but he is in a distant land. Admiral Boxer would have also been a most important witness; but he, too, is dead. There only remains, therefore, evidence which is either secondary, or which is not the best evidence that could be produced. But the right hon. and gallant Member for Gloucester (Sir M. Berkeley) was an officer in command of a line-of-battle ship during the whole of these operations, was himself cognisant of the greatest portion of the transactions to which I have referred; and he was not only my informant in private, but the House in public heard his statement. It will be said, and said perhaps with truth, that my right hon. and gallant Friend—brought also unfortunately, like myself, into collision with the hon. and gallant Member for Southwark—is a witness open to exception, on account of the bias which may be supposed to influence him. Now, Sir, I will adduce the testimony of a witness, the most unexceptionable (as I think even the hon. and gallant officer himself will admit) that can be adduced. Sir Baldwin Walker, at the time to which I refer, was in the service of the Turkish Government; he had the rank of rear-admiral, and at the attack on Acre his flag was flying in a Turkish line-of-battle ship. He was in constant communication, as commanding a Turkish squadron, with Sir Robert Stopford, the commander of the British squadron. His evidence is unimpeachable, and the House shall hear it exactly as it is given. The next best witness would have been Admiral Sir Houston Stewart; but he, in the absence of Admiral Sir Edmund Lyons from his command, is now in the Mediterranean, commanding the English fleet. Notwithstanding, however, the distance, Sir Baldwin Walker has had an opportunity of communicating with Admiral Sir Houston Stewart, and the House shall hear what Sir Baldwin Walker states—namely, that the communications which he has made to me in answer to my inquiries have been submitted to Sir Houston Stewart and are confirmed by that officer. I shall also produce to the House the written evidence of Captain Codrington, who commanded the *Talbot* before Acre, was the officer who most closely reconnoitred Acre, took all the soundings, and drew the positions, and who is in every respect a competent and trustworthy witness, to whom I do not think the hon. and gallant Member will object. But if anything be still wanting, and if it be said that all these are naval witnesses, I will not stop here. The hon. and gallant Member objects very much to the evidence of naval men, but it does so happen that a most distinguished officer, Sir Charles Felix Smith, who commanded the military portion of the expedition, was on board the flagship. To him, my veracity being impeached, I appealed for the facts of the case, and I will read my letter asking for information on this subject, together with his reply. Having done that, I shall certainly abstain from any further remarks. I am willing to believe that, in a moment of haste and exasperation, the hon. and gallant Member for Southwark may have expressed himself more strongly than, after further deliberation, he would himself approve of. I have myself committed errors of this kind in the course of my life, and if the hon. and gallant Member should say (and I hope he will say), after I have concluded my observations, that he regrets this occurrence, and will not adhere to the strong terms he used, I for one shall be entirely satisfied. But, Sir, I must now proceed to show to the House, with reference to the first proposition, not only that the naval attack on Acre was not suggested by the hon. and gallant Member for Southwark, but I think I have indisputable evidence to show that the first suggestion of that attack, as settled by Sir Robert Stopford and Sir Charles Smith, emanated from Sir Baldwin Walker, and from no other quarter. I will not frighten the House by the production of the large Blue-books containing the Syrian correspondence, but I will read a short extract from a letter in that correspondence, which will be found in Part 2, page 330, No. 249. It is from Viscount Ponsonby to Lord Palmerston, and is dated Therapia, October 7, 1840. It is in these words :—

"My Lord—I have the honour to enclose an extract from the Syrian journal of a gentleman employed in the Turkish service, and a man of sense. [The name of this gentleman has been mentioned to me, and I believe he is now in London.] This extract contains matter not mentioned in other reports, and states facts worth being submitted to your Lordship's attention.—I have the honour, &c. "Ponsonby."

(Inclosure in No. 249.—Extract from journal.)

"Sunday, Sept. 27.

"Captain Walker came on board. [Here follows an account of the attack on Saida, in which Captain Walker, Commodore Napier, and the Austrian Archduke took a part.] I went with Captain Walker to see Sir Robert Stopford. . . . . . Leaving Sir Robert, I accompanied Captain Walker to see Izzet Pasha. We found him suffering extremely, and, after communicating to him the events which had taken place to the southward, Captain Walker declared it to be his opinion that an attack on Acre would be successful."

That was the opinion entertained on the 27th of September. On the 24th of October Sir Baldwin Walker, in the Turkish flagship, went close in to Acre, sent a boat on shore to summon it to surrender, himself cannonaded some of the fortifications, and (his summons not being attended to) then withdrew, and on the 27th of October wrote this letter to Admiral Stopford—

"Ottoman ship-of-war Mookaddimay-i-hire,
at sea, Oct. 27, 1840.

"Sir—I have the honour to forward for your Excellency's information, a statement made by two men who were sent off to this ship by Captain Boxer, of Her Britannic Majesty's ship *Pique*, on the evening of the 26th inst., at the moment of our departure from St. Jean d'Acre, by which you will perceive that much discontent reigns in the garrison of that town, and how ready the Syrians are to assist the cause of His Imperial Majesty the Sultan.—I have the honour to be, Sir, your most obedient, humble sevant,

"B. W. Walker.

"To his Excellency Admiral the hon.
Sir R. Stopford, G.C.B., &c."

Then follows an enclosure of the depositions of two men sent by Captain Boxer, of the *Pique*, off Kiaffa, October 26, 1840. They say—

"The Druses armed at Sidon about two days ago have cut off the supply of water conveyed to Acre by the aqueduct. The fortress of St. Jean d'Acre contains 5,000 troops, but the greater part of them are sick, and about twenty-five desert and die daily. The deserters from St. Jean d'Acre declare the troops to be disaffected, and that a cannonading of the fortresses would be a signal for them to desert to us."

Dates are important. The attack on Acre was made on the 3rd of November, 1840, and the letter I have just read to the House was dated on the 27th of October. The decision to attack Acre was come to by Sir Robert Stopford and Sir Charles Smith on the 29th of October. I beg the House to remember these dates. On the 31st of October, Sir Baldwin Walker writes to the Turkish High Admiral at Constantinople in these terms—

"Ottoman ship-of-war Mookaddimay-i-hire,
Beyrout, Oct. 31, 1840.

"My Lord—In consequence of my representing to Admiral the hon. Sir Robert Stopford the good effect likely to arise from the appearance of His Sublime Majesty's flag off St. Jean d'Acre, I have the honour to inform your Highness that I left this anchorage for that town on the 24th inst., and arrived in the evening of that day.

"On the ensuing morning I pulled in with a flag of truce for the purpose of delivering the enclosed summons. This, however, was not received, nor the boat permitted to land.

"On the following day I stood in with this ship and fired at the fortresses; and although I approached near enough for the guns to have done me considerable injury, I was much surprised at their not returning our fire. This pacific disposition on the part of the enemy, and the information I obtained from two natives who came off to the ship from Kiaffa, confirmed me in my former opinion that much discontent prevails in the garrison of that town.

"These particulars I fully communicated to the English Admiral, and I have now the great satisfaction to inform your Highness that a force, consisting of eight ships-of-the-line, five frigates, and four steamers, the whole having on board 3,500 Turkish troops, will leave Beyrout this day for St. Jean d'Acre.

"We continue to receive daily deserters from the enemy, and the *Crescent* steamer having on board 450 deserters and prisoners, will leave this evening for Constantinople.—I have the honour to be, &c. "B. W. Walker.

"To His Highness the Capudan Pasha, &c."

I venture to think that these documents offer, if not conclusive, at all events the strongest possible presumptive evidence that the decision of the Admiral and General to attack Acre proceeded from information given by Sir Baldwin Walker, and from advice which he had tendered to them. But that is only the negative part of the case that the naval attack on St. Jean d'Acre did not proceed from the counsel of the hon. and gallant Member for Southwark, but, as I contend from intelligence received through the medium of Sir Baldwin Walker from Acre itself. I shall now submit to the House the direct testimony on that question of Sir Baldwin Walker himself; and that there may be no mistake about the matter I will read *seriatim* the questions proposed to that gallant Officer by my right hon. and gallant Friend below me and myself, with the answers of Sir Baldwin Walker. The allegations which the hon. and gallant Member for Southwark denies, and which we assert, are these—

"1. Question.—The attack on Acre by the fleet was not advised by Sir Charles Napier, but was undertaken in opposition to his advice and opinion expressly given to Sir Robert Stopford?

"Answer.—I cannot call to mind that I ever heard Sir Charles Napier express any opinion on the subject; but Sir Robert Stopford, on several occasions when the question of attacking Acre was discussed, informed me that Sir Charles was opposed to it; my own impression always was, that Sir Charles Napier was anxious to advance into the interior at the head of the army, and conduct the land operations.

"2. Sir Charles Napier before the attack remonstrated against taking up the position assigned to the *Powerful* by the Admiral?

"I was present when Sir Robert Stopford pointed out to Sir Charles Napier the position which the *Powerful* was to take up off the south-west angle of the fortress of Acre, and the reply made by Sir Charles Napier was, that if he anchored in that position his ship would be sunk.

"3. In making the attack, Sir Charles Napier did not take up the position in question according to his orders, but let go his anchor short of it, in a less exposed position, and thereby threw the whole previous arrangement into confusion?

"The position pointed out by Sir Robert Stopford was not taken up by Sir Charles Napier. He anchored before he reached it, which the ships of his division were not prepared for, and which caused some confusion.

"4. Acre was taken by a landing at a distance from Sir Charles Napier's bombardment, and by an operation in which he took no part?

"Acre was taken possession of before three o'clock in the morning, after the bombardment by a force landed from the Turkish flagship at the sea gate on the south side. Sir Charles Napier was not present on the occasion.

"5. Sir Robert Stopford, after the action, expressed to Sir Charles Napier his dissatisfaction with the conduct of Sir Charles?

"Sir Robert Stopford, in my presence, on the quarterdeck of the *Phœnix*, expressed to Sir Charles Napier, that he was not satisfied with the position taken up by the *Powerful*, adding that he ought to have gone to the south-west angle. This is stated by Sir Charles Napier in his work on Syria.

"I very much regret the occasion that has arisen for putting the above question, but, having been appealed to, I am bound to state facts, so far as I am acquainted with them.

"I have been most anxious to be correct. I therefore wrote to Sir Houston Stewart, who agrees with me on all essential particulars, and he has authorised me to quote his testimony in support.

"B. W. WALKER."

I told the House that I should leave nothing undone to complete the evidence in this case, and that there may be no doubt respecting any portion of it, I will now read what Captain Codrington says upon the subject. That officer commanded the *Talbot* on the occasion in question, and no one had a more accurate knowledge than he of the position assigned to the various ships engaged in the attack. Captain Codrington's letter, which I should premise is addressed to my right hon. and gallant Friend the Member for Gloucester (Sir M. Berkeley) is as follows:—

"Her Majesty's ship *Algiers*, Portsmouth,
March 26, 1856.

"Dear Sir Maurice,—I will reply to your questions *seriatim*, in the same order in which you put them. 1. I do not know whether Sir Charles Napier objected to the position assigned to his ship after he received his orders from Sir Robert Stopford; but, having been myself present, with other captains, at the discussion which took place in the Admiral's aftercabin on the evening of the 2nd of November, 1840, I well remember Sir Charles Napier expressing strongly his disapproval of the arrangement of attack which was advocated by Captain Boxer, Captain Houston Stewart, I think, and others, and which was approved by Sir Robert Stopford—namely, that the line of battle ships should be taken in first by the steamers, and that the smaller ships should follow them, and fill up the vacant spaces, &c. At this discussion—a very warm one—Sir Charles Napier strongly maintained that the small ships should be taken in first, and placed under the batteries by the steamers, and that the steamers should afterwards come out again, to take in the line of battle ships. The Admiral finally put an end to the discussion, very decidedly in these words:—'I will not hear any more about it, Napier; I will not have the small ships sacrificed for the large ones.' By his wish we all then retired, to enable him to write out his orders for the attack of next morning. 2. I have never seen the orders which were given to Sir Charles Napier for the attack; but I was told then, and I have always heard since, that by the Admiral's orders he was intended to anchor his ship much nearer the south-west angle of the fortress, and on its seaward face, in such a position, as that the fire from his ship should rake the line of guns opposed to our division, in the same way that the fire of the *Carysfort* and *Talbot*, &c., did rake the line of guns opposed to his division. This was not done. The Admiral's plan contemplated the Commodore's running in from the south-west towards that angle, and then that he should anchor the ships of his division in succession along that western or sea face of the works, beginning with his own ship when well abreast of the point. He varied from this plan by going round by the northward, under (it is said) an impression—which the event did not justify—that the sea breeze might fail. Having reversed his part of the Admiral's plan of attack, so far as relates to the approach, he did not provide, by fresh orders to the ships astern of him, against the disarrangement consequent on such a change. Thus, he did not himself reach within a considerable distance of the station assigned to him; and by his anchoring where he did the ships following astern of him were thrown out from the positions they were intended to take up. Ultimately the *Revenge* weighed again, and moved on nearly to the position originally assigned to the *Powerful.* 3. Sir Charles Napier had nothing to do with taking possession of Acre, or landing men for that purpose, so far as relates to the decisive time when the garrison were abandoning the fortress in the night just after the action. It was Sir Baldwin Walker, who, being close inshore, first became aware of the evacuation having commenced, and it was by his exertions and his personally going to various ships, including the Austrian squadron, that a sufficient force was obtained for landing at once, and the sea-gate of the town taken possession of during the latter part of that very night. 4. On the morning of the 4th of November Sir Charles Napier went on board of the *Phœnix* to see the Admiral. I was not present myself, but I heard at the time, and it was well known through the squadron, that the Admiral had at that interview very decidedly expressed to Sir Charles Napier his disapprobation of the manner in which he had placed his division during the attack. Indeed, the very words that passed during that conversation were mentioned generally in the squadron at that time, and are still in my recollection.

"I am, dear Sir Maurice, yours truly,
"H. J. Codrington, Captain, R. N.
"Rear Admiral Hon. Sir Maurice Berkeley,
K.C.B., Admiralty."

Reluctant to trespass at too great length on the attention of the House, I will not pause to fortify my case with the evidence of Captain Hall (as we understood), who was a lieutenant in one of the ships engaged in the siege of Acre. I am unwilling to overlay the question with naval authorities, but I trust the House will be of opinion with me that the testimony of that description which I have already submitted is sufficient to show that there is more than a shadow of truth in what I stated on a former occasion. I will now cite the authority of Sir Charles H. Smith. I have not the happiness of his personal acquaintance, but, knowing him to be a highly honourable man, and an officer who distinguished himself by his gallantry on the occasion in question, I thought I might venture to make an appeal to him in a matter in which the interests of truth are involved. I accordingly addressed to him the following letter:—

"Grosvenor-place, April 2.

"Sir,—A question having arisen in Parliament respecting the arrangements prior to the attack on Acre at the end of October 1840, I beg to appeal to you, as the British military officer in command on that occasion, and to ask whether the determination to make the attack was taken before orders to that effect reached you and the Admiral from home; and whether Sir Charles Napier was consulted by you and the Admiral before your final decision was formed.

"I make this inquiry because the accuracy of a statement made by me in Parliament has been impugned by Sir Charles Napier.

"I am your faithful and obedient,
"J. R. G. Graham.
"Lieutenant-General Sir C. F. Smith, K.C.B."

Such was the communication I addressed to Sir Charles Smith, and before reading that gallant officer's reply I think it right to remind the House that in this matter dates are of the utmost importance. It was upon the 29th of October that the Admiral and General, proceeding on the advice and information given by Sir Baldwin Walker on the 27th of that month, attacked Acre. It so happened that an order to go against the place was sent from home, but it did not reach the Admiral and the General till the 30th of October, or twenty-four hours after the decision to the same effect had been taken on the spot. Having made these observations, I will now read the letter of Sir Charles Smith—

"Onslow Square, April 3, 1856.

"Sir,—I have the honour to acknowledge your letter of the 2nd instant, in which I, as having held the command of the allied land forces in Syria, am appealed to for information respecting the arrangements prior to the attack on Acre in 1840; and, as such letter appears to have been written under the sanction of authority, I can have no hesitation in stating that on the 29th of October in that year it was finally determined between Sir Robert Stopford and myself that the siege of Acre should forthwith be undertaken, that the merit of the enterprise was ours, while the subsequent receipt of an order to go against it relieved us of a portion of the responsibility we were voluntarily on the eve of incurring; that Commodore Napier was not privy to our determination, neither was he a party to our plans and arrangements for the expedition, all mine having been in progress of execution many hours before the *Vesuvius* arrived with the orders in question. Furthermore, I ought here to add that on the morning after I had taken possession of the fortress, Sir Robert Stopford communicated officially to me, as his colleague, the censure that he felt it to be his duty to pass upon the conduct of Commodore Napier during the operation.

"I have the honour to be, Sir, your most obedient, humble servant,
"C. F. Smith, Lieutenant-General.
"The Right Hon. Sir James Graham."

It may be asked why was the subject of St. Jean d'Acre introduced into a debate referring to the operations in the Baltic. I am bound, in the first place, to say that down to a recent period, and when this dispute arose between me and the hon. and gallant Member for Southwark, I partook of the general impression that not only the success of the land operations in Syria, which I have acknowledged in what I have already addressed to the House, but the success of the naval operations, were mainly due to the counsel, conduct, and active exertions of the hon. and gallant Member for Southwark, I certainly had reason to believe that such was the fact from the hon. and gallant Officer's own published work on the war in Syria. At page 171, vol. 1, he says—

> "Beyrout, Oct. 25, 1840.
>
> "I am pressing the Admiral to send me to take Tripoli; this will finish all Lebanon.
>
> "C. NAPIER.
>
> "To the Emir."
>
> "Tripoli was evacuated by the Egyptian force, and the magazine in the castle was blown up."

The gallant officer goes on in the same book to say—

> "Seeing no further prospect of active operations, I turned my attention, in common with my brother officers, to the propriety of an immediate attack on Acre, which I had thoroughly reconnoitred, and felt satisfied that the ships in a very short time would drive the Egyptians from the guns, if there was a possibility of approaching within a moderate distance of the walls."

The position assigned to the *Powerful* by Sir Robert Stopford was regarded by the gallant officer (Sir Charles Napier) as being so near that there was danger that the ship would be sunk in half an hour. The gallant Admiral's work continues—

> "The subject was frequently raised on board the *Princess Charlotte*, and discussed; but whether the Commander-in-Chief was restricted by orders from home, or was afraid of the lateness of the season, I am not aware; but certainly much valuable time was lost."

Then, again, at page 186, he says—

> "On my arrival at Beyrout, to my great astonishment, I found a steamer had arrived from England with orders to attack Acre. This was indeed a change for the better; there was no further room for indecision."

These statements having been published to the world so operated on the public mind that I concluded, in common, I believe, with the great majority of persons out of doors, that the real credit for the result of our naval operations in Syria principally belonged to the hon. and gallant Member for Southwark. There is another passage in the first volume of the gallant Officer's *War in Syria*, which I quoted on a former occasion, and which I shall read again, for it has a most obvious bearing on the selection of the hon. and gallant Admiral for the command in the Baltic. Immediately after giving an account of the attack on Acre the gallant Officer says—

> "I had frequently been engaged with batteries last war, and I believe I was the only officer in the squadron who had ever commanded a ship in action against stone walls, and the system I followed was the one I had always been accustomed to; it was the plan followed by the leading ship at the battle of the Nile, &c."

The hon. and gallant Officer here speaks of the "system" which he followed, so that the House will see that his mode of attacking stone walls had been reduced to a "system," and that he had always been "accustomed" to act upon it. I can assure the House that I have been drawn into this controversy with the hon. and gallant Admiral with the greatest possible regret. I have said that the question now at issue between us was a matter of evidence, and that I would abstain from offering any adverse comment of my own upon the facts. I hope the House, after hearing what I have had to state, will, at all events, acquit me of the grave charge preferred against me by the hon. and gallant Member, and refuse to believe that either I, or the right hon. and gallant Admiral the Member for Gloucester (Sir M. Berkeley), who was himself an eyewitness of these occurrences, have trumped up a story wirh reference to the attack on Acre, which is not only "without truth, but without a shadow of truth;" and I am convinced that still less will the House be prepared to agree with the hon. and gallant Member that we have failed in our veracity from a motive so base and malignant as a desire to injure him. I have now only to thank the House for the patience with which it has listened to my statement.

SIR CHARLES NAPIER said, he supposed that this was the first time that ever an officer who had gone through service with reputation for sixteen years after the event occurred should be thus persecuted, by having it raked up unfavourably, when most of those who took part in it with him had been removed by death, and when he was at a disadvantage, as compared with the Admiralty, in being able to bring forward evidence of the truth. But he thought he had sufficient papers in his possession to show the House that the charges brought against him were totally unfounded. The House was aware that when it was decided, in 1840, to send a force to the coast of Syria, to drive the Egyptians out of that country, the Turks had sent 5,000 men to assist in those operations, and Sir Charles Smith was despatched from England to take the command of those troops. When Sir Charles Smith arrived, his health was so bad as to render him wholly unfit for the purpose, and Sir Robert Stopford thought fit to confer upon him (Sir C. Napier) the command of the troops. [The hon. and gallant Admiral read to the House the letter in which the appointment was conveyed. The letter from Sir Robert Stopford, which conferred the appointment upon him, stated the opinion of the writer, that he was the only officer capable of performing the service efficiently.] He landed there with 5,000 men, and with 5,000 only, having on his right 15,000 at Beyrout, and 4,000 or 5,000 at Tripoli. Notwithstanding that large force, they set to work, with the assistance of the engineers, and made a strongly fortified camp to receive the inhabitants of Syria. Reports had been current that the enemy were approaching, and he did not wonder that Sir Robert Stopford should have given him orders very contradictory, sometimes directing him to go forward, and sometimes not to do so. Having remained there for some time, he applied himself to explore the whole country, and as he was aware that it was quite impossible to maintain 5,000 men there during the winter without assistance, and as the inhabitants would not come down, he proposed to Sir Robert Stopford to attack Beyrout, but he could not for some time induce him to do so. Finding that, he (Sir C. Napier) then proposed another plan—namely, to attack Suleyman Pasha, and he got Sir Robert Stopford to march out to attack him. That attack was perfectly successful, and we made between 300 and 400 prisoners. Even that success did not give to the gallant Admiral the confidence in himself which it ought to have inspired. On the 12th of September, Sir Robert Stopford wrote to him in these terms—

> "Ibrahim Pasha left the town yesterday, and will very probably organise a large force to attack you, a circumstance greatly to be avoided; any reverse to us would be fatal, and even success gained by much loss to our men would be equally so. I am, therefore, most anxious, and think it absolutely necessary, that you should not prolong your stay on shore, considering an attack on you as certain. I, therefore, recommend your re-embarkation to-morrow."

Now he (Sir C. Napier) found it to be quite impossible to retire with credit, and he therefore decided to stop where he was; for, had they withdrawn, they would have sacrificed the whole of the mountaineers who had joined them. He was justified in mentioning these things, because they displayed a degree of irresolution, on the part of Sir Robert Stopford, which he was enabled to avail himself of on this occasion, in his own defence. He then proposed to him to go up and attack Sidon, which with difficulty he persuaded him to do; but even after he had started on that service, he was told by Sir Robert Stopford only to land arms for the natives. However, he persuaded him, and he went on to Sidon, and with the assistance of the right hon. and gallant Admiral, the Member for Gloucester (Sir M. Berkeley), who was then in command of the *Thunderer*, he succeeded in the attack, which gave us a position we did not possess before, proving, at the same time, that the Egyptians were not to be so dreaded as had been imagined. He again obtained permission from Sir Robert Stopford to land men from the ships, and march upon the back of Beyrout. That was on the 10th of October, and the next morning, to their utter astonishment, they found Ibrahim Pasha encamped in a strong position, which appeared inaccessible, with 3,000 or 4,000 men. He (Sir C. Napier) thought it right, under the circumstances, to try his strength with him; because, if they succeeded, it would set the people of the country free to co-operate with them. Things went on very well, and in the night he sent orders to Omar Pasha, who was under his command, to get in the rear of Ibrahim Pasha. He also invested him on his left with two battalions, and sent another battalion across the ravine, and getting on his right, he managed to attack him at once in front, and rear, and flank. The movement was successful, and they took between 700 and 800 prisoners. They followed him into his second position, which was very strong, and almost perpendicular. They succeeded in storming that height, and totally destroyed his stores. The result was, that the inhabitants of Lebanon were set free to come down from the mountains. It might be said that it was something new for a naval officer to command land forces; but he had acquired some knowledge of the military profession in Portugal and Spain; and he was of opinion at the time that if Sir Robert Stopford had ordered the marines to land, and the 2,000 men he

(Sir C. Napier) sent him to Beyrout, that day or the day after the war in Syria might have been put an end to; but he contented himself with taking Beyrout. He confessed that at the first he was for following up the army, and destroying the troops, but he was overruled altogether. Sir Charles Smith would never move forward, and remained so long at Beyrout that Government at last sent out to recall him from his command—whether from dissatisfaction, or any other cause, he did not know, and would not be at liberty to say if he did. He now came to Acre. Every officer in the fleet, it was notorious, had been persuading Sir Robert Stopford to attack Acre, and he (Sir C. Napier) might ask, what was the reason, if it were not for his delay, that the engagement at Beyrout should have been fought on the 10th of October, and Acre not attacked till the 2nd of November? They lay there quite inactive, not performing any service whatever. The troops remained idle at Beyrout, and the fleet also; no enterprise of any kind being undertaken. He went up, with the permission of Sir Robert Stopford, to deliver up the firman to the new Prince of Lebanon. He should mention that Sir Robert Stopford and he were not on good terms. He (Sir C. Napier) had been obliged to push him very much, as had also his captains. Now, he (Sir C. Napier) had heard, for the first time, that night, that Sir Robert Stopford had decided to attack Acre before orders for the purpose had arrived. He could only say, if that were so, it was unknown to all the officers in the squadron. It was a subject of common talk, and he remembered its being argued at Sir Robert Stopford's own table, whether it was prudent that Acre should be attacked, and they all thought he would proceed to do it the next morning, but he did not. He came within a certain distance of the place, but returned and anchored at Beyrout. Now, if he did not intend to attack Acre, what, he would ask, could have brought him back again so late in November, when all attacks by sea became dangerous and difficult on that coast? At last, whether by his own will or not, it was decided that Acre should be attacked, and they all proceeded up to the place. They went to Acre, and there they anchored for the night. He was told he had nothing to do with persuading Sir Robert Stopford to attack Acre; but he hoped to show the House, as well as he was now able, that he did all he could under the circumstances. The following extracts from letters would, he thought, abundantly prove it—

Napier to Sir W. Parker—Oct. 15, 1840.

"Tripoli ought to be taken immediately, which should be followed up by an attack on Acre, both of which would fall."

Napier to Lord Minto—Oct. 22, 1840.

"I think Acre ought to be attacked, but I fear there is no idea of it."

Napier to Col. Hodges—Oct. 31, 1840.

"After twenty days' inactivity, it is at last decided to go to Acre, with 3,500 men, which I hope will not be changed; but changes are so common here, that I feel certain of nothing till it is actually in operation."

Lord Ponsonby to Napier—Nov. 9, 1840.

"I write now only to congratulate you upon your having spirited up our chief to attack St. Jean, for I feel no doubt you did it."

Sir C. Adam to Napier.

"The Board have written to Sir Robert Stopford their admiration of your intrepid and useful services, and to hoist a red pennant."

Sir C. Adam to Napier.

"I am most happy to express to you the pleasure I feel at your receiving the Commander of the Bath."

Minto to Napier—Oct. 7, 1840.

"I congratulate you on the success of your operations on the coast of Syria, in which your zeal, judgment, and ability have been conspicuous."

Sir W. Parker to Napier—Dec. 3, 1840.

"Shenstone Lodge, Lichfield,
3rd Dec., 1840.

"My dear Napier—Most heartily do I congratulate you and your gallant companions in arms, on the reduction of St. Jean d'Acre. Your opinions on the result of an early and vigorous attack have been verified to the letter, and accomplished in a manner most triumphant for our profession and the general interests of Europe. I need not add that I have been delighted that a becoming acknowledgment of your own energetic and successful services have been manifested by the Government in your advancement to the First Class Broad Pendant and the Commandership of the Bath, which has been nobly won, and I trust will be long worn by you in health and every possible enjoyment. I trust also that promotion and rewards to the officers of the squadron generally will be liberally bestowed.—Believe me, my dear Commodore, always faithfully yours,

"W. Parker, Rear Admiral.

"Commodore Napier, &c. &c. &c."

He would now read a short extract from a letter of the noble Lord at the head of the Government, than whom there was no man better able to speak upon this subject, and he would appeal to him to state his knowledge and opinion of the part which he (Sir C. Napier) had taken in the attack upon Acre.

Lord Palmerston to Napier—Nov. 14, 1840.

"I wish you had been allowed to attack Acre. I have no doubt that you would have taken it.

Perhaps our instructions upon that subject may have arrived in time to allow of an attack being made."

The letter would show that Sir Robert Stopford did not disapprove of his conduct. When the fleet had come to an anchor, they all went on board Sir Robert Stopford's ship in the evening. Letters, which he had in his possession, would show how very improper a person Sir Robert Stopford was to have been entrusted with the command of such an expedition. Sir Robert Stopford would have embarked not only the Marines, but the Turks, and have left the people of Lebanon to shift for themselves, a line of conduct which he (Sir C. Napier) opposed to the utmost of his power. Admiral Walker, who commanded the Turkish fleet, asked for anchors and cables to enable him to remain, as he could not desert the Turkish troops; and Sir Robert Stopford consented; and Admiral Walker replied, that "it was better to die with honour, than to live without it." Well, then, on arriving at Acre they assembled on board the flag-ship of Sir Robert Stopford. Admiral Boxer was there, and he had got the ear of the Admiral considerably. There was also at the time a considerable deal of jealousy prevailing amongst the officers of the fleet. The Admiral had, at the commencement of the operations, entrusted to him (Sir C. Napier) so many things, and had even allowed him to go on with operations, against his (the Admiral's) own wishes, that considerable jealousy existed among the officers of the fleet as to the reliance thus placed upon him. When, therefore, they assembled on board the flag-ship, Sir Robert Stopford said to him, "I have thought over the business with Admiral Boxer, and as there are four steamers here, I shall leave my own ship, in order that she may go into action, and go on board of one of those steamears. The three other steamers will tow in three line-of-battle ships into their positions under the batteries, and then return and tow in three more, and so on until all the ships are in position." Such a scheme appeared to him so totally devoid of common sense, so inconsistent with the safety of the fleet and with the chance of success, that he at once pointed out to the Admiral its danger and impracticability; when, on his doing so, Admiral Boxer said, "We have settled the whole of the matter, and the positions to be taken up; and, Commodore, its no use your interfering." He at once took up his hat and went on board his own ship, where he spent the night in ruminating on the impolicy of the plan, and the failure which he was sure would attend it. Next morning he went on board the Admiral's ship and stated to Sir Robert Stopford that he felt it to be his duty, as his second in command, to tell him that his plan would utterly fail; whether he added that the three line-of-battle ships first towed in would be sunk before others could be brought to their rescue, he did not recollect—he did not believe he did so—but, although he had, it would have been nothing to be wondered at, for he never in his life saw such a foolish plan of attack formed. Look at the attack on the Redan. Had not they heard officers blamed for attacking the Redan with an inferior force? Here, then, was the very same thing. Instead of letting the whole fleet go in at once and take up their positions, three ships were first to be towed in, and by the time they were disabled, three more were to be towed in to their relief, and so until they were all towed in. Every one must see that such a plan of attack must have failed. To show that he (Sir C. Napier) was right in his statement that it would fail, Sir Robert Stopford altered it, giving up the towing process and adopting his plan. To show the impracticability of the plan of towing in the line-of-battle ships, Captain Henderson—who was now no more—and, in fact, the greater portion of those officers to whom he would have appealed in justification of his conduct, were dead, and he had not, besides, the same opportunity of getting up evidence as had the right hon. Baronet (Sir J. Graham) and the right hon. and gallant Admiral (Sir M. Berkeley) one of the Lords of the Admiralty. Well, Captain Henderson came on board his (Sir C. Napier's) ship, in reference to the attack. He took that gallant officer to Sir Robert Stopford, and desired him to state to the Admiral how long, in the event of his towing in with the steamers three line-of-battle ships, he would be before he could tow the other three into position for their support. And the answer of Captain Henderson was that two hours would elapse before the second three ships could be towed under the batteries. At that time ships could not be taken into tow so easily as they could be now, and that was the period Captain Henderson, an officer of great experience, stated it would take to do so in this case. Well, then, the idea of towing the ships under the batteries was given up, and it then became a question how they were to get in. The wind at the time blew slightly from the southward. The signal was made to weigh. They did so, and certainly were proceeding in the most helter-skelter way he ever saw. He did not say it was the fault of the officers; they were doing so, for the natural desire on the part of these were, who would first get into action; but the confusion arose from the natural circumstances of the case, there being no suggestion, no orders, as to how they were to proceed or take up their positions. Fortunately there was a dead calm: and he remembered Captain Fanshawe saying to him, "Get in as fast as he could," when his reply was, Acre ought to be attacked properly, or not at all—it was not a place to be trifled with—and, therefore, it should be attacked, as he (Sir C. Napier) had proposed. At that time, the wind veered round to the northward, as he expected it would. On its doing so, it at once became apparent to him that for him to anchor on the south-western angle of the fortress, so as to allow the ships astern of him to pass to windward in succession, and anchor ahead of him, was impossible. The order in such cases was so well known that he thought there could be no doubt about it. There was, in fact, only one mode which could be adopted where ships were to anchor in succession, that was for the leading ship to take up a position under the first battery, for the next to pass to windward, and anchor ahead of the first, the next to follow the first two, and anchor ahead of the second, and so on till the whole line was formed. That was the mode adopted in anchoring in succession. When, therefore, the wind veered to the northward, and when he saw that he could not anchor on the south-western face of the fortress, he had to decide the course to be adopted with the utmost promptitude. There was not a moment to be lost. He did not go to the southward, and anchor on the south-west of the place, as, had he done so, the ships following, as he had already stated, could not have got ahead of him. The Admiral, just at that moment, sent to him to ascertain what he was doing. He said, in reply, that he was going to the northward, and immediately made signal to tack, passing well to windward of the north-western angle of the fortress, the other ships following him. He passed a small battery, on coming to which the master asked if he should let go the anchor, when he desired him not to do so, as the battery was but small, but he passed on and anchored alongside the strongest part of the walls of Acre, on the north-western front. After he let go his anchor, the whole thing having been reversed, he naturally expected that the ships following would pass outside of him, and by anchoring in succession ahead of him, occupy the ground between the south-western and the north-western angle of the fortress. It was such a common occurrence that he did not think any officer could have had any doubt or been led into any mistake about it. At the battle of the Nile the very same thing happened, but they never heard of Nelson finding fault with or censuring Sir James Saumarez, or the other gallant officers who made the same manœuvre on that occasion. Why, the thing was so well known in naval tactics, while at the same time it was so consonant with common sense, that every one knew about it. If the ship leading in was to pass along one, two, three, four, or five of the enemy's ships, before she came to anchor and took up her station, why there was every chance of her being disabled from the successive broadsides of these ships, before she got to her station. If, then, that was the case in attacking ships, it held stronger as regarded an attack on batteries where, if the leading ship was to pass along five or six of them, receiving the fire of each of them before she came to anchor, she would be of little use; but by the leading ship engaging the first ship or battery (in the case of an attack on batteries), she came to, and the one following her passing ahead and engaging the rest, and the others doing the same in succession, that danger was prevented. Well, this being the well-known and recognised system, he confessed that he never felt more astonished than when he saw the *Princess Charlotte*, which was following him, let go her anchor astern of him. The *Thunderer* did the same, though he really could not say from recollection which was first. He might, however, be asked, why, in these circumstances, he did not signal? But there was not time; the ships would have been at anchor before he could have done so; and, besides, if it was the duty of any one to signal, that duty most certainly devolved upon the Commander in Chief, who was outside for the very purpose of directing the movements of the fleet, but no signal was made by him, except, he believed, that he signalled to the *Thunderer* to get out of the way. But what did Lord Nelson say? Why, that "no ship could do wrong which anchored alongside the enemy." He (Sir C. Napier) anchored alongside the enemy, and that, too, at the strongest portion of the face of the fortress he was on, not as the right hon. Baronet (Sir J. Graham) had said, half way up, but as close to the batteries as the depth of water would allow him, a position which every officer, knowing his duty, would have taken. It was true the ships following him did not take up their proper positions. It was, no doubt, a mistake their not doing so. They thought he had got into shoal water, but he made no signal of "shoal water," and all he could say was, he took up his proper position and the other ships did not. He did not mean to say that it was for want of skill that they did not do so, as he believed that they were under the impression that they were to keep always to the northward of him. But because he (Sir C. Napier) did right, why was it that he was to be blamed and traduced as he had been, and the evidence of parties brought against him who knew nothing at all about the matter? The other division of the fleet to the southward was led by Captain Collier, and when the Admiral made signal for his division to close round the *Powerful*, Captain Houston Stewart made signal to the Admiral, "May I go in to the southward?" That signal was affirmed, so that the other ships went in, and Sir Baldwin Walker, passing outside them all, anchored at the top of the bay, opposite a strong battery. He must say, therefore, that he had just grounds of complaint of the attacks which had been made upon him. It was, he considered unfair that an officer of his standing, and who had seen a great deal of service, should be traduced as he had been in this matter. He had here a letter from Captain Hastings, who commanded the *Edinburgh* at the attack on Acre, and as that letter referred to his conduct during the attack, he would read it to the House. It was dated the 2nd of the present month, and was as follows—

"United Service Club, April 2, 1856.

"My dear Sir Charles,—Since my conversation with you last evening, I have endeavoured to bring to my recollection some of the circumstances of the attack on the Fort of Acre on the 4th of November, 1840.

"The division under your orders attacked the western face, and that in which was the *Edinburgh*, the southern one. At the moment of weighing anchor the wind veered to the northward, and necessitated a change in the mode of attack.

"Instead of running and anchoring under the batteries from the south, you were obliged to perform the operation from the north. This caused some little misunderstanding; the ships anchored astern of you, instead of in line ahead. I remember also that the southern division was thrown into momentary confusion by Sir Robert Stopford hoisting the signal to follow the *Powerful*. It is probable, in this case, that the signal officer omitted to hoist the divisional flag. I mention this to show how easily mistakes may arise, and that they should not always be attributed to the Commander in Chief, or to the commander of a division.

"It is difficult to recollect all the facts of a feat of war which took place sixteen years ago; yet main facts are engraven on the memory, not to be effaced. Your exertions during that short campaign were patent to all, and greatly contributed to the rapid success which was obtained—a success of the greatest moment, when the public feeling in France, at that moment, is taken into consideration.

"Nor is this my opinion only, but that of the majority of the fleet with you, and under the orders of Sir Robert Stopford.

"As a proof of this assertion, let me call to your remembrance what took place on your return from Alexandria to Marmorice. As you passed into the bay to take up your anchorage, each ship—at least, a large majority of the ships—spontaneously cheered you, and with a heartiness not often exhibited, even by seamen.—Believe me, very truly yours.

"F. D. Hastings, Captain.

"Sir Charles Napier, K.C.B."

Now, was it to be thought that that fleet—the circumstance referred to in the letter having occurred sometime after the attack on Acre—would have turned out in a dark and rainy night, if he had not done his duty, for the purpose of cheering him as he came in. Here, also, was another letter from the Master of the *Powerful*. It was as follows—

"Deptford, March 31, 1856.

"My dear Sir Charles,—In reply to your note of the 25th instant, requesting me to state all I remember about 'Acre,' I beg to state that on the evening previous to the attack, when you came from the flag-ship, you told me that the plan arranged for the next day by the Commander in Chief was that three steamers were to tow in the *Powerful*, *Princess Charlotte*, and *Bellerophon*; the same three steamers were then to go back and bring in three more. I remarked that the chances would be in favour of our being sunk before the second three could be brought in. You then sent for the late Captain Henderson, who, in reply to a question from you, said that not less than two hours should be reckoned upon for getting the second three ships into action. You then went to the flag-ship, and I went sounding and buoying for the remainder of the night. In the morning you told me that the plan of attack had been altered; that the *Powerful* was to lead and anchor off the first bastion, the other ships to pass us, and anchor in succession, each covering the other, similar to Lord Nelson's attack at the battle of the Nile. This is certainly as I understood it; whether we went in by the north or by the south channel, the plan was to be the same. When we came abreast of the first bastion, I asked you if we were to anchor there, and you said no, that there did not appear guns enough in it to make it of importance. You directed me to pass on to the next guns, and anchor as close as the depth of water would permit. This was done, and I was never more surprised in my life than I was to see the *Princess Charlotte* anchor astern instead of passing us. I suggested to you to make the signal for *Revenge* to come in and anchor ahead of us. You objected to this, saying that you could not make signals with the Commander in Chief's ship so close to you, with his flag flying, who must see the necessity of it as well as yourself. Ultimately this signal was made, and Captain Crawford conveyed your wishes to Captain Waldegrave as to the position he should take up.

"I forgot to say that, on the morning of the attack, the Master of the flag-ship and myself were sent to the *Vesuvius* to sound, and try the north channel, the wind at that time showing every indication of coming from the northward. After we came back we went to the flag-ship, and made our report of there being a good channel with a leading wind.

"This is all I remember of what occurred. Some things I may have forgotten, but what I have stated is to the best of my recollection.—I remain, dear Sir Charles, yours very faithfully,

"E. J. P. Pearn."

That was from the Master of the *Powerful*, the ship he commanded. He would also read to the House the following letter from the Captain of the *Powerful*—

"Royal Hospital, Greenwich,
April 3, 1856.

"My dear Sir Charles,—In answer to your questions relative to Acre, so long a time has elapsed that I can only do so to the best of my recollection.

"I have always been under the firm conviction that you were most zealously anxious for the attack on Acre. The shift of wind which forced your division to attack from the north, instead of the original plan of battle from the south, reversed the order of attack, which may have led to some misconstruction of orders by the ships astern; but I have not the slightest hesitation in stating, that it was your firm conviction that the ships of your division would have anchored in succession ahead of the *Powerful*. By this mode of attack the anchored ships protect the advancing ships, which, in my humble opinion, is a subject of vital importance to the protection of ships and their crews.

"Your question, whether I have read what has been said in Parliament within these last few days, on the subject of the battle of Acre? my answer is, I have been so fully employed I have not read a newspaper for some days; and I am very glad I have not, as it gives me the opportunity of answering your questions free of bias.

"In the hope that you are better to-day, believe me, my dear Sir Charles, yours faithfully,

"F. Liardet."

He had, therefore, the testimony of two of the officers on board his own ship, as well as the testimony of the officer in command of another ship, while he had also shown that he followed the plan always adopted by Nelson, and if other officers failed in doing their duty, that was no reason why blame should be cast upon him. He did not, as he had said, impute any want of skill to those officers, but not one of those in command of line-of-battle ships on that occasion, with the exception of Captain Codrington, had ever commanded a line-of-battle ship in action before, and that being so, he thought it was not too much to say that he was right, and they were wrong. He had himself commanded ships during the greater part of the last war. He had, perhaps, attacked more batteries than most officers. There was a small island off the coast of Sicily, on which there was a strong bastion and also a mole. With two frigates he attacked that bastion, sending one frigate within the mole, and bringing the other up to the attack outside, so that he took the place without the loss of a single man. There was not a single fort on the coast of Italy, south of Naples, that he had not taken with his own ships. This being the case, perhaps the right hon. Baronet the late First Lord of the Admiralty might ask why he had not done greater things in the Baltic; but the plain answer he would give him was, that there was a great difference between attempting with ships what was possible, and that which was absolutely impossible. If that had happened at Acre, where they could see nothing from the smoke, everything would have been in a perfect jumble, and some of the ships would have been of no use. He had written to Sir Baldwin Walker, who, in reply, said—

"Admiralty, April 3, 1856.

"My dear Sir Charles,—I am placed in a very painful position in having to answer questions put to me by friends, who have made statements in the House of Commons which are at variance; but, however disagreeable, I am bound to reply to them to the best of my recollection. With respect to that part of your letter in which you say, 'You must surely remember we were all persuading and urging him (Sir Robert Stopford) to go to Acre repeatedly,' I cannot call to mind any conversation I had with you on the subject; but Sir Robert Stopford told me, on more occasions than one, that you were opposed to an attack on Acre. As far as my recollection serves me, my impression was, and is, that you were anxious to advance into the interior at the head of the army, and conduct the land operations; and I am bound to state that, at the commencement, we were all greatly indebted to you, as the success on shore was owing to your great exertions. With reference to that part of your letter in which you state that Sir Robert Stopford informed you that he intended to remove his force from the coast before the bad weather set in, I can only say that he made the same communication to me, on which occasion I asked him to supply us with anchors and cables, which he consented to do, for I felt that we could not abandon the mountaineers who had joined the Sultan's cause, and had been armed. You were strongly opposed to the ships being towed into action at Acre by the four steamers, and I think you were right, for only four could go in at the same time, and those, of course, would have had to bear the brunt of the action before the others could have got in; but not having anchored where the Admiral wished, you ought, I think, to have made the signal for the ships astern to pass on.—Believe me, yours, faithfully,

"W. W. Walker.

"Vice Admiral Sir C. Napier, K.C.B., &c.

"I am very sorry to hear that you have been so unwell. "W. W. W."

He had been at the head of the troops before Sir Charles Smith came up, and he admitted that he was proud of the command. He had been exceedingly successful, and he had thought it most important that there should be no delay in destroying Suleyman Pasha and Ibrahim Pasha, and that being so, could it be said with any justice, because he wanted to go at the head of the troops against them, that he did not want to attack. He said that he had been more inclined than any other man to attack Acre, for he had surveyed it, and he was of opinion that it could be taken. The people were driven from their guns at Acre, but it was never breached. If, however, the people had thought proper to remain, and if the English had had powder enough for another day, which he was inclined to doubt, Acre would have been taken. But another accusation had been brought against him—God knew it was needless, for the bumper was already sufficient. It had been said that he was there when Acre was evacuated. Certainly he was not. Sir Baldwin Walker was in his station at the upper part of the south-western bay, and in the middle of the night he found out that Acre had been evacuated. He took possession of it. He (Sir C. Napier) was at the north-west angle. He knew nothing of the evacuation, and how could he have been there? Could any blame have been attached to him for not having been there? Besides, where was the merit? Acre had surrendered. The right hon. Baronet (Sir J. Graham) had endeavoured to persuade the House that he (Sir C. Napier) had not been in his proper place. He was in his proper place, and that was where he should have been. He would proceed to relate, on satisfactory evidence, that the late First Lord of the Admiralty had given a very incorrect version of what had taken place between Sir Robert Stopford and himself (Sir C. Napier)." After Acre had been taken and all was quiet, he went on board the steamer, where Sir Robert Stopford was, and he (Sir C. Napier) felt so perfectly conscious of having done his duty and placed every ship properly, that he made this remark:—"I hope you are satisfied with the position I took up." Sir Robert answered very gruffly and said, "No, I am not; you should have gone on to the south-west." He (Sir C. Napier) ultimately felt grieved that the Commander-in-Chief should use such expressions to his second in command. On returning to his ship, he immediately wrote for a court-martial, which Sir Robert Stopford did not think proper to grant him. Several officers, he believed sent to him by Sir Robert Stopford, came, begging him to withdraw his letter asking for a court-martial. He told them that he would do so if Sir Robert Stopford would send him a proper apology. Sir Robert sent him one which, not deeming sufficient, he sent back. Then Captain Stuart and other captains came to him, and begged him, for the sake of the service, not to let the matter come to a court-martial. He replied, that if the Admiral made him a proper apology, he would not press. An apology was sent, and here it was:—

"My dear Sir,—I do not apprehend that a difference of opinion implies a censure upon either party, as I cannot allow infallibility to anybody. That I differed in opinion with you is true, but that thereby a censure was intended is without foundation. Believe me, my dear Sir, yours truly, "Robert Stopford.

"Commodore Napier, C.B."

He must say that, with such a document existing, it was most disgraceful, on the part of the right hon. Member for Carlisle (Sir J. Graham), to get up, after a period of sixteen years, and for the sake of damaging his reputation and pressing the House to reject his application for inquiring into his conduct, to bring such charges. Sir Robert Stopford's plan of towing the ships, he said, was wrong; and if the matters in dispute were submitted to an officer, or committee of officers, they would pronounce that it was wrong. Sir Robert Stopford had himself admitted that it was wrong, for he adopted his (Sir C. Napier's) plan. The wind changed, and that rendered it impossible for him to anchor at the point at which he ought to have anchored. But was it a reason why he should be found fault with because other officers had committed mistakes? He must here ask why a gallant Officer (Sir M. Berkeley), with whom he had formed, at Acre, a sincere friendship which until recently subsisted, had not enlightened the late First Lord of the Admiralty, and made him aware that he (Sir C. Napier) was not a fit man to be intrusted with the command of the Baltic fleet. If at Acre he could not place a single ship in proper position, why was he selected to take the command of twenty-five sail of the line sent to the Baltic, with inexperienced officers and ill-disciplined crews? And yet the right hon. and gallant Admiral wished to go with him as his second in command. He had it there under his own hand. [Sir M. BERKELEY: I quite acknowledge it.] It was a vile conspiracy—after sixteen years—to bring up these matters again. Such conduct this House should put down. But he had another document from Sir Robert Stopford, which he should read:—

> "My dear Commodore,—I am very happy to find that every unpleasant feeling has been removed from your mind respecting any censure—real or implied—upon your conduct in the attack upon Acre. I regret very much that your private note upon the subject, written the day before yesterday, has disappeared, and cannot be found. Should it turn up hereafter, I will take care to send it. I find that Lord Ponsonby has been in complete error relative to the standard presented to the Sultan; upon referring to my letter to his Lordship, after the fall of Beyrout, it was the flag taken there which I entrusted to Colonel Hodges to take to the Sultan. His Lordship's speech must, therefore, be corrected. I shall write to him by the *Talbot* to point out his mistake. Very truly yours, "ROBERT STOPFORD.
> "Nov. 7."

Was it fair, he asked, after a long life, after fifty-six years in the navy, during which he had performed as much service as any man in the service—after having been esteemed by every commander in chief under whom he served as a most zealous and active officer—was it fair that he should be thus attacked and maligned? He remembered that Sir Alexander Cochrane had written to him, saying that he had saved a great number of lives at the capture of Martinique. A doubt was entertained whether Fort Edward had been evacuated. He (Sir C. Napier) volunteered to go and see—and, in broad daylight he went and scaled the walls; he got in, and, what was more extraordinary, he got out again. Martinique was taken, but a great many lives were saved. He could have produced from Lord Exmouth and others some of the strongest documents in the world. When he was in the Portuguese service—and that matter might not be so much regarded by the House—it was of the first importance to settle the question between Dom Miguel and Donna Maria. He got the command of three frigates and three brigs, and meeting the Portuguese fleet, consisting of two ships of the line and other vessels, he ran on ahead and took the whole of that fleet in three minutes. Suppose that on that occasion he had attempted to go on to the headmost, what would have been the result? Instead of doing so, he attacked the sternmost ships, and then he went on and captured the headmost. That was the common mode of attack, which everybody knew. He now wished to say a few words about the Baltic. He held in his hand some letters from the right hon. and gallant Member for Gloucester (Sir M. Berkeley), which he was not allowed to make use of, though they were strictly confined to matters between the right hon. and gallant Admiral and himself; and in these the names of two other officers were mentioned. He had letters from the right hon. and gallant Officer, praising him in the highest way, saying that he would stick to him to the last. He would put it to the right hon. and gallant Admiral to allow him to read those letters. Yet the right hon. and gallant Officer, who remained silent, said that he (Sir C. Napier) was not fit for the command of the Baltic—that his nerves were gone. When he (Sir C. Napier) went to the Baltic, he was fit for the command. If he were fagged and fretted towards the end, it was in consequence of the Admiralty writing to him such letters that well nigh broke his heart, and were enough to destroy the nerves of any man breathing. Let any one ask the officers of his own ship, Captain Gordon or Admiral Seymour, and they would tell them that those letters had been almost the cause of his death. He had been a great deal accustomed to praise that he freely acknowledged he could not bear censure; and censure to him was almost death, especially when he felt that it was altogether undeserved, and when he knew that he had done his duty to his country. He wished the right hon. and gallant Admiral (Sir M. Berkeley) had been sent to the Baltic. Why was he not sent there? He wrote a letter to him (Sir C. Napier), telling him to attack Sweaborg at a time when he must have known that it was impossible. No man in his senses would attend to such instructions. If he had received such a letter in the summer, knowing that the Government wished the place to be attacked, he would have taken the fleet there; but from the state of the weather, there never were two days together, after he had received that letter, which would have permitted the attack on Sweaborg. He must now ask a question, since he was relieved from the command of the Baltic fleet, very much to his own satisfaction, for he would never serve again; under that Board of Admiralty an equally large fleet of ships of the line, and sixteen gun-boats and sixteen mortar-boats had been fitted out, and why, he might ask, had not Admiral Dundas been told to proceed at once to Nargen, and thence take the fleet to attack Sweaborg? It was never thought of for one moment, and he had been condemned for not doing that which Admiral Dundas had never dreamed of doing, because he knew that he had not at his disposal means sufficient to accomplish the object. He had now explained, as a plain, honest man, to the House the circumstances which had taken place. He had acted throughout his whole life like a brave officer and good seaman. He had been applauded by every Admiralty which he served, and he must say, that after sixteen years had gone by, when he had no person to go to, when he had no official means of ascertaining the addresses of officers who could have furnished important information and be of the greatest advantage to him, it was fortunate for him that he had preserved those two letters from Sir Robert Stopford, without which he would have been put down as totally incompetent. He trusted that he had said nothing in his own vindication which could give offence to any one, and he could only thank the House for the attention with which they had listened to him.

SIR MAURICE BERKELEY said, he would not have addressed one word to the House had he not been so directly and pointedly alluded to by the hon. and gallant Member for Southwark. He thought the House must admit that the evidence brought forward by the right hon. Baronet (Sir J. Graham) proved that the statements made both by himself and his right hon. Friend the late First Lord possessed more than "a shadow of truth." The hon. and gallant Member (Sir C. Napier) had had just the same opportunities of applying to the officers whose evidence had been adduced, and if he (Sir M. Berkeley) had made these inquiries, it was because he could not continue under the imputations which had been cast upon him. The hon. and gallant Gentleman who had just sat down had appealed to the House as to the injustice which had been done by the accusations which had been brought against him; but he (Sir M. Berkeley) should also ask the House whether it was fair that he should have been obliged for the last ten days or a fortnight to labour under the imputations which went so far, almost, as to say that the truth was not in him? The hon. and gallant Admiral seemed extremely touchy whenever his own character was concerned, and he ought to consider that others, as well as he, had a reputation to maintain. The hon. and gallant Admiral had asked why he (Sir M. Berkeley), being aware of his conduct at Acre, had recommended his colleagues to send him out in command of the Baltic Fleet? ["Hear, hear."] Now, in reply to that question, he might state that he should never have mentioned the subject of Acre at all were it not for the abuse which the hon. and gallant Admiral had thought proper to lavish upon him and the Board of which he had the honour to be a Member, and for the fact, that in a speech made to the constituency of Southwark, the gallant Admiral was pleased to recapitulate all the great services which he said he had performed, and endeavour to show the black ingratitude of the Admiralty to a man who had done so much for his country. In dwelling upon his services, the gallant Admiral made use of these words:—"And I was the person who struck the final blow which put an end to the campaign in Syria." Now, this assertion he (Sir M. Berkeley) always had denied, and always would deny, and even when upon terms of friendship with the hon. and gallant Member, he had made him correct an error in a pamphlet on this subject. The House seemed to receive with favour the taunt, that if he believed the hon. and gallant Member acted in this manner at Acre, he ought to have prevented his going to the Baltic. It should be remembered, however, that he (Sir M. Berkeley) was a candidate for the command in the Baltic, and had he taken advantage of his position as Senior Naval Lord to earwig the First Lord, and endeavour to deprive the hon. and gallant Officer of his fair chance of obtaining that appointment, he thought he should have been acting a very dishonourable and unmanly part. More than this, he would say that, although he still maintained all that he had said with regard to the attack on Acre, he believed that the conduct of the hon. and gallant Admiral on that occasion arose from an error of judgment, and such an error committed in one action ought not to destroy the high character which a man might have obtained by other services. He would not enter into what had been said about the campaign in the Baltic. The subject had been before the House over and over again, perhaps once too often. The hon. and gallant Admiral had, however, said that he could produce letters from him (Sir M. Berkeley) praising and lauding all that he did. He would admit that such was the case. He would admit also that, knowing the previous character of the hon. and gallant Admiral, and the energy which he had displayed on previous occasions, he did put full faith in him, and he believed all the letters, both public and private ones, which he had received from the gallant Admiral. It was not until he heard from various captains the facts which he stated in the previous debate that he could change his opinion, and, having changed his opinion, it then became his duty to recommend that the gallant Officer should not rehoist his flag. He would, however, take upon himself to say, that never did a Board of Admiralty take more pains to soften an order for the hauling down of a flag than did the Board of which he was a member. Not only was the hon. and gallant Admiral thanked for his services, but he was thanked in words precisely similar to those which were used to Lord Howe after the first of June. His officers were promoted, and had he kept quiet his character would not have been so much damaged as it had been by his showing private letters, and forcing him (Sir M. Berkeley), in his official capacity, to speak of that in regard to which he had much rather have been silent.

Mr. LINDSAY said, he had listened with much attention to the debate, and had been much grieved by the right hon. Baronet (Sir J. Graham) going back for sixteen years, in order to attempt to rob the hon. and gallant Admiral of that which was dear, and must ever be dear, to him. He had attacked him for his want of moral courage. Why, the commonest sailor that trod a deck did not want moral courage. But the hon. and gallant Admiral had given a most triumphant answer to the charges brought against him that evening. He had made a very good finish of his case: and it was to be hoped they should hear no more of it in that House. If the statements of the right hon. Baronet (Sir J. Graham) were correct, was it not extraordinary that, immediately after the siege of Acre, the hon. and gallant Member for Southwark should have received the thanks of that House, and should have been decorated by his Sovereign with various honours? Another point had not been sufficiently answered. If the right hon. Baronet (Sir J. Graham), holding the very responsible position which he held at a most critical moment, knew (and he ought to have known), or supposed, or had reason to suppose, that the charges he now made against the hon. and gallant Member for Southwark were correct, why did he appoint him to the high and responsible position of the command of the Baltic fleet? The right hon. Baronet said he did not know of them then. But he ought to have known of them; it was his duty to have known of them before he appointed the gallant Admiral to a command where the honour of England was at stake, and a great number of lives were placed in his hands. If he had taken the same pains as he had bestowed within a short time back in getting up these charges—a matter of far less importance to the country than the appointment to the command of the Baltic fleet—he must have known all that he knew now. Had he not with him at the Board Admiral Houston Stewart and Sir Baldwin Walker, whom he now brought forward as witnesses against the hon. and gallant Member for Southwark, at the very time when he appointed him to the command of the Baltic fleet? If he did not make full inquiry, not only as to the courage but the abilities of the gallant Admiral, he had neglected his duty.

Mr. MALINS said, that some of the statements made by the right hon. Baronet (Sir J. Graham) did make an impression upon his mind, and he waited with anxiety for the explanations of the hon. and gallant Member (Sir C. Napier). Having heard those explanations, he thought that the hon. and gallant Member had most triumphantly refuted the case attempted to be made out by the right hon. Baronet, and had shown that there was not a shadow of truth in the charges which had been made against him in relation to his conduct before Acre. This showed the impropriety of the conduct of those who, on a former occasion, introduced the subject into the debate, and was a proof that men of the greatest ability and experience, like the right hon. Baronet the Member for Carlisle, might make most lamentable mistakes. The mistake committed by the right hon. Baronet was, that led on by the hon. and gallant Member for Gloucester (Sir M. Berkeley), and acting upon information received from him, he had gone back sixteen years in order to show the House that a man, upon whose appointment he at the time it was made greatly prided himself, was totally unqualified for the command which he had received. It was idle to think of "toning" this charge down to mere want of "judgment." It meant want of courage. It meant cowardice—nothing less than cowardice—or it had no meaning whatever. Say what they might, the man, whether sailor or soldier, of whom it was asserted that in the day of danger he was at a distance when it was his duty to have been at hand, was exposed by such an assertion to the imputation of pusillanimity. In the present instance, however, the unworthy suspicion did less injury to him against whom it was directed than to those with whom it originated. Was it to be tolerated that our leading statesmen should come down to that House and insinuate cowardice, or, at best, a total want of judgment, against the men to whom, in critical times, they had themselves confided the destinies of England, and whom they had prided themselves on having selected for the highest commands? Never was there inconsistency like that of the right hon. and gallant Gentleman the Member for Gloucester. Not only did that right hon. and gallant Officer declare in his place in Parliament that, though it would have been the fondest object of his ambition to have himself commanded the Baltic fleet, he waived his own claims in favour of the man whom the voice of the nation pronounced best qualified for the duty, but he even expressed his willingness to serve as second in command under the hon. and gallant Member for Southwark. Forgetting all this, he subsequently took up a position of the bitterest antagonism towards that gallant Officer, cast the most grievous imputations on him, urged the right hon. Gentleman the Member for Carlisle to the most hostile courses in his regard, and when sorely pressed about his own inconsistency in speaking with such disfavour of one whom he had extolled so highly, coolly turned round and said that it was no such thing, and that a difference of opinion did not imply censure. He was now anxious to have it believed that the very Officer in whose behalf he had withdrawn his own claims, and under whose orders he had been willing to serve, was unfit to command the Baltic fleet, because, forsooth, he had been reprimanded by Sir Robert Stopford. With respect to the transactions at Acre, how it must have taken the right hon. Gentleman (Sir J. Graham) by surprise to hear the hon. and gallant Admiral read a letter from Sir Robert Stopford, apologising to him for having used language susceptible of any such construction! If a reputation of fifty-six years was to be destroyed by evidence such as had been produced that night, no man was safe. It was to be regretted that the right hon. Baronet (Sir J. Graham) had suffered himself to be so far misled by the personal feeling of the hon. and gallant Gentleman (Sir M. Berkeley) as to make charges which were not only unfounded, but perfectly groundless. He (Mr. Malins) well knew that if the hon. and gallant Gentleman's letters to the hon. and gallant Member for Southwark (Sir C. Napier) could have been read, they would have been found to express the most unbounded confidence in him. It was known that the Admiralty had directed the hon. and gallant Admiral, at the end of October, to do that alone which it had been decided in September the combined fleets of England and France could not accomplish. That had led to the difference between the hon. and gallant Admiral and the Admiralty; and hence the anxiety to heap up against him charges of all descriptions. When the gallant Admiral was directed to haul down his flag, no thanks were expressed to him; but about a week after, when all the circumstances were known, the thanks of the Admiralty were conveyed to him in the usual way. It was deeply to be deplored that the right hon. Baronet (Sir J. Graham) should have been induced to take a course which must injure the public service. Nothing was more to be deprecated than those angry personal discussions, and he should rejoice to see all angry feelings put aside, and the three Gentlemen shake hands, and make it up.

Mr. ROEBUCK said, he thought the House was placed in a very painful position by the differences which had arisen between three of its Members who were worthy of its highest consideration and respect.

When he found the right hon. Baronet the Member for Carlisle coming down with his practised oratory to prefer and support charges against the hon. and gallant Member for Southwark, he felt satisfied that, however much at home the latter might be on his own element, he was in no position to cope with the right hon. Baronet in that House. When the right hon. Baronet rose, his (Mr. Roebuck's) first impression was that he was in the right, but after hearing the plain and unadorned reply of the hon. and gallant Member for Southwark, he confessed that his feeling underwent an entire change. He saw that the consummate rhetorician had been foiled, and the unpractised disputant victorious. When the right hon. Baronet gave the gallant Admiral his appointment, no doubt he believed him to be worthy of it; but he now said in effect that he had been misled in the estimate he had formed of his qualifications. The right hon. Baronet had, with all the world, thought that the gallant Admiral acquired much of his renown from the attack on Acre, and this fact weighed with him in entrusting him with the command of the Baltic fleet; but the right hon. Gentleman intimated that since then he had learned better, and discovered that, instead of deserving praise for his achievements at the capture of Acre, the gallant Officer was really blameable for his conduct on that occasion. Unfortunately, however, the hon. and gallant Admiral wrote a letter to *The Times*, a course which few Members of that House took without having cause afterwards to repent of it. He (Mr. Roebuck) had before now written a letter to that journal himself, and was quite sure he would have acted more wisely if he had not done so. Doubtless the hon. and gallant Admiral was betrayed into imputing motives to the right hon. Baronet in his letter which were not just; but it should be remembered that the hon. and gallant Officer had been previously accused, first of indiscretion, and next of something like want of courage, and, under those circumstances, it was easy to conceive how a sensitive man, in the heat of his natural indignation, might mix some unfounded aspersions against his assailants with his own vindication through the medium of a newspaper. What did the new interpretation which the right hon. Baronet, with all the art of a trained debater, strove to fasten upon the conduct of the gallant Admiral at Acre really mean when calmly examined? Why, that the gallant Officer, having received orders to place himself in a particular position under the enemy's fire, disliked the post that had been assigned to him, and took steps to avoid it; that he dropped anchor before he should have done so, thereby producing confusion in his division of the fleet, and entitling himself to censure rather than commendation. What, however, was the hon. and gallant Admiral's answer to that charge? It was simply that as he was in the act of obeying orders a calm came on, and, the wind shifting, he was unable to take up the prescribed position; but passing a battery—strong, but not strong enough to engage him—he came up before one of a more formidable description and there took up his position. Who, then, was to blame in this matter? Why, the right hon. and gallant Gentleman the Member for Gloucester (Sir M. Berkeley), of course, who, as a sailor, ought to have known that if his associate ship got before him and dropped anchor, it was his duty, under her protection, to have advanced and dropped anchor ahead of her. Common sense teaches us that that would have been the proper course; so that if any one deserved the shaft hurled by the expert hand of the right hon. Baronet the Member for Carlisle, it was his own Friend the Naval First Lord of the Admiralty, and not the hon. and gallant Member for Southwark. The hon. and gallant Admiral, with a generosity that did him credit, speaking of this circumstance, said that the right hon. and gallant Gentleman the Member for Gloucester, who had never before been in action, acted according to the best of his judgment, although he had done the wrong thing, and therefore he could not blame him. He (Sir C. Napier) had too much candour and fairness to rake up, after the lapse of sixteen years, the misdeeds of a gallant brother in arms and to cast them in his teeth. That course had, however, been taken—by whom he would leave the House to decide. These were miserable matters to engage the attention of the House of Commons, and he would put it to the right hon. Baronet whether it would not be wiser, not to say more magnanimous, to forego such unseemly recriminations for the future? The House must acknowledge that the hon. and gallant Member for Southwark was not deserving of the imputations sought to be cast upon him. He (Mr. Roebuck) had certainly expected greater results from the first campaign in the Baltic, but he attributed his disappointment more to his own ignorance than to any fault of a gallant man who had spent his life in the service of his country, and who had always displayed great judgment and intrepidity. A debt of gratitude was also, no doubt, due from the right hon. Baronet, and it would have well befitted his position to have acknowledged the undoubted merits of a gallant public servant.

MR. COWPER said, he regretted as much as any one the introduction of such a personal controversy, but the original aggressor, it must be allowed, was the hon. and gallant Member for Southwark (Sir C. Napier), who, in his letter to *The Times*, had spoken of a conspiracy against himself, and denounced the right hon. Baronet (Sir J. Graham) and the right hon. Member for Gloucester (Sir M. Berkeley) as combined in a plot to ruin him. Was it to be endured that an officer should publicly, in that House and in newspapers, charge persons with such malignant intentions, and that when they denied the charge, and brought proofs to justify what they had asserted, people should cry out, "Here's a victim;" and say that they were running down a gallant and estimable officer in order to justify their own proceedings? It was said that the right hon. and gallant Member (Sir M. Berkeley), after withdrawing his own pretensions to the command in favour of those of the hon. and gallant Member for Southwark, and continuing to press that gallant Officer in his letters, had no right afterwards to find fault with him. Now he took just the opposite view, and thought that, instead of there being any blame attributable to his right hon. and gallant Friend, it was a proof of his public spirit and of that sense of justice and magnanimity which he was known to possess. His right hon. and gallant Friend was engaged by the ties of friendship to a brother officer, and advocated his cause; but when he found that his expectations had been disappointed and his anticipations turned out incorrect, he had the courage and manliness to act upon his own judgment of the true state of the case, and would not, on account of friendship, be a party to again sending out an admiral on a service similar to that which he had failed satisfactorily to perform. It was clear to all that during his campaign in the Baltic the hon. and gallant Admiral (Sir C. Napier) had neither satisfied the expectations of the country, of the Admiralty, nor of the officers under his command. The unfortunate circumstances of the case had been so often stated that he could add nothing new to the facts; but he must say that, notwithstanding the hon. and gallant Admiral had disappointed the expectations which had been formed of him, he had been most fairly, nay indulgently treated. The order, which had been referred to on the other side of the House, to haul down his flag and come on shore, was precisely in the same terms as the order to Lord Howe. It was simply an order in the usual style; no censure was cast by it upon the hon. and gallant Admiral, and no blame was imputed to him. But the hon. and gallant Admiral, by the indiscreet use of his pen—and he wished that he had always been as good with his pen as he was with his sword—had chosen to attack the Admiralty in various ways. Upon him, therefore, and him alone, rested the whole blame of this discussion. He (Mr. Cowper) was entirely with those who thought the right hon. Baronet the Member for Carlisle had vindicated himself most admirably, showing that every assertion he had made was capable of proof, and that there was not an atom of justification for charging him, or any other person connected with the Admiralty at that time, with want of courtesy, fairness, or indulgence towards the hon. and gallant Admiral the Member for Southwark.

ADMIRAL WALCOTT: I participate most deeply in the concern, which the whole country will feel at the painful spectacle presented to the House this evening—that of hon. and gallant Members rising to indulge in mutual recrimination. Personalities are at all times a subject of deprecation, but especially when they so gravely affect the interests of a great profession, and lead to disclosures which might otherwise have been avoided. I confess that when the hon. and gallant Admiral brought forward his Motion the other evening, he carried neither my sympathy nor my countenance; because I entertain the fullest conviction that it was not calculated to advance the interests of that profession to which I have the honour to belong. I felt, too, that it was unnecessary on the part of the hon. and gallant Admiral, because, if his conduct deserved condemnation, the greater was the fault of those who allowed it to pass, without subjecting it to a court of inquiry, and awarding that penalty to which it had rendered him amenable. I will not enter upon any reflections on the manner in which the Baltic fleet was fitted out, or state the reasons why I conceive it was not calculated to fulfil the expectations of the country.

I am bound, however, in honesty to say that the tone of the reply made this evening by the right hon. Baronet the Member for Carlisle, and the hon. and gallant Member for Gloucester, are not of that candid description which I should have desired to hear. Hard as the professional treatment I have received at the hands of those hon. Members, I assure the House that mine is too much nobility of feeling to make any observation upon them, which I do not in my conscience believe they deserve. If I understood rightly the tenor of the remarks made by the right hon. Baronet on a recent occasion, upon the letters which he read, he did not in his conscience believe that the hon. and gallant Admiral was competent to undertake the trust conferred upon him, because it was unadvisable to appoint an officer above the age of sixty years to so high and important a command. But what did he say on March 8, 1855? He declared in this House that Sir C. Napier was a consummate Admiral, who might bear the palm for courage and discretion; and what was more justifiable for such an appointment? Now he raked up a number of old letters which the hon. and gallant Admiral, with more than inconsideration, had written; for it was unworthy in him to address the First Lord of the Admiralty in the manner he had done. I deeply deplore that those letters were read, not as they affected the hon. and gallant Admiral, for he had brought it on himself, but because expressions had been employed in disparagement of the capabilities of officers of a certain age, which were wholly unwarrantable and were calculated to do deep injury to the naval profession.

I now come to the hon. Gentleman the First Naval Lord. His business was, of course, to uphold the appointment of the hon. and gallant Admiral to the Baltic fleet, and on March 8, 1855, he said that if Sir Charles Napier went out in command, he (Admiral Berkeley) would be only too happy to go out as his second in command. Great Heaven! could any praise be higher than that? or any testimony be more flattering to the hon. and gallant Admiral than testimony of such a character? The hon. and gallant Member (Admiral Berkeley) must have lost his senses, when he could utter such commendation, and now refer to Acre, circumstances which occurred sixteen years ago, to damn the reputation of a brother officer. If he believed, as he plainly did not believe, that the conduct of Sir C. Napier on that occasion was wanting in courage and discretion, and his knowledge so deficient that he did not know where to anchor his ship, or how to handle her, he ought not to have sanctioned with his consent the appointment of the hon. and gallant Admiral to the command of the Baltic fleet. He could not justify himself, as he had vainly attempted to do, by saying that, because an officer committed one error, he was not for ever unfitted for command. If they really believed his incapacity, both the right hon. Baronet the Member for Carlisle, and the hon. and gallant Admiral opposite, ought to have taken it into consideration, when they reflected upon the importance and magnitude of the command which they were about to bestow, and the necessity of appointing an officer who would fulfil the expectations of the country.

Success depended on the destruction of the formidable defences of the enemy's coast, and the only means of its accomplishment was the employment of gunboats of light draught, which could overcome the intricacies of the navigation, whilst the line-of-battle ships should be entirely directed to prevent the ships of the enemy from getting out. Under these circumstances, in my opinion, Sir C. Napier did all that could have been reasonably expected of him; I blame him, because all the reflections to the contrary that have been made, have been incurred by the hon. and gallant Admiral himself. Generally speaking, I do not regard after-dinner speeches, but still, when men occupying high and responsible positions in the State, every word from whose lips has an influence on the destinies of the nation, cannot control their temper, it would be wise to abstain from attending public dinners.

The right hon. Gentleman said, that a similar order had been given to Lord Howe. That might be so, and possibly, the complexion of the Admiralty had not much altered, but in those days every Admiralty was a sort of quarter-deck, and it was, unhappily, too often the practice to forget that other people possessed sensibilities as keen as the officers who gave the orders. I am not, however, aware that Lord Howe had, on that particular occasion, returned from the immediate performance of any signal service, or that there was any sneer in the terms of the order applicable to the circumstances of the time. But in this case the very fact that Sir C. Napier had asked for a court-martial, and was told that there was no necessity for its appointment, spoke sufficient praise.

Undoubtedly Sir C. Napier was to blame for making a certain speech at the Mansion-House dinner, reflecting, as it did, on the officers under his command. As regards the battle of Acre, if the gallant Admiral, owing to a change of wind or other circumstances, perceived that a more advantageous position offered for placing the ship, which he commanded, in action, than that which was originally marked out by his Admiral, and in consequence of the smoke he was rendered unable to communicate with him by signal, he then, in my apprehension, was justified in taking up that position. Still more, when he alleges that he placed his ship opposite the first line of a formidable range of batteries, and thus the ships under his command, then coming up in his rear, might, by passing on the outside of the *Powerful*, have been covered by that ship, as they severally passed onwards ahead, and along the line of batteries, each ship in turn affording cover to that which followed, as they successively took up their stations. For this cause the gallant Admiral makes an excuse, where none was needed. The capital error which he committed consisted in this, that immediately upon thus anchoring the *Powerful*, he did not make signal to the ships of his division to pass on, and take up their stations successively in advance, for it appears that in default of it, they came to the conclusion that the *Powerful* had anchored owing to shoal water, and so they anchored astern of that ship, a course which might have proved fatal to the success of the day. The gallant Admiral advances the idle excuse, that he was prevented from making that signal because he was in the presence of his superior, though that officer was obscured in smoke. Why, Sir, I would have disobeyed any order, if my country's honour was at stake, even if I had been broken the next morning. I would not have cared for a hundred Commanders in Chief at such a crisis and such an eventful moment.

The hon. and gallant Admiral made no inapposite allusion to the battle of the Nile. On that occasion, the *Goliath* and *Zealous* had the honour to lead the fleet and to receive the first fire of the van ships. They passed inside the enemy's line, anchoring successively by the stern. The *Goliath's* anchor did not hold, and she drifted abreast of the second ship in the French line. Captain Samuel Hood, following in the *Zealous*, quickly let go his anchor, and took up the station, which the *Goliath* had been foiled in occupying; he thus gave cover to the approaching ships as they passed to take up their respective stations opposite each to an enemy's ship. Never were evolutions performed in a more masterly manner. This accomplished by Captain Samuel Hood was in accordance with the whole series of his brilliant services to the country; a more truly intrepid officer the naval service has not to boast in her long chronicle of worthies. He died in my arms, whilst Commander in Chief in the East Indies, and my spirit glows whilst I offer this meed to the honoured name of the great dead.

There was no occasion, however, to allude to Acre; the question before the House was simply whether the conduct of Sir C. Napier, in his command of the Baltic fleet, was or was not creditable to him. I am bound to admit that the Board of Admiralty were justified in withholding its further command from him in consequence of the want of becoming deference in the tone of the letters which he addressed to them. No Board of Admiralty could submit to place themselves in a subordinate position to the officer whom they employed. But I also must express my conviction, whatever may be asserted to the contrary, that stone walls are more than a match for those of wood.

Although I deeply deplore that this discussion has arisen, yet I think a useful lesson may be derived from it; it will, probably, teach right hon. and hon. Members to abstain from making statements in public which are disadvantageous to the service of the country. They may depend upon this, that if the time of this House is to be occupied in hearing personal explanations of this nature, the country will soon begin to take very little interest in their proceedings, and repose still less confidence in their deliberations within closed doors.

Motion *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FitzRoy in the Chair.

The following four Votes were *agreed to*:—

(1.) £16,783, Inspection and Superintendence of Prisons.

(2.) £415,906, Government Prisons and Convict Establishments.

(3.) £161,595, Prisoners in County Gaols, &c.

(4.) £25,485, Transportation of Convicts, &c.

(5.) £286,605, Convict Establishments, Colonies.

Lord WILLIAM GRAHAM said, he wished to call attention to a very considerable increase in a number of the items, as compared with the last year's Estimates, particularly those of bedding and clothing, which he thought required some explanation.

Sir GEORGE GREY said, it was impossible to account for the increase on each separate item, because the supply required annually varied in amount. He had, however, noticed the increase for bedding and clothing, and would make some inquiry upon the subject. Although there was a decrease in the number of convicts sent to Australia, yet it was necessary, at least for a time, to maintain the convict establishments in their original condition, and hence there could be no reduction of the expense. The cost of some materials had increased, but, with respect to Australia, not including the Western part, the expenses would gradually become extinguished.

Mr. FLOYER said, that one of the items included a Vote of £2,000 for distribution among criminal reformatories; he wished to know upon what principle that distribution was made?

Sir GEORGE GREY said, that it had hitherto been at a rate of 5*s.* a head for every criminal admitted into reformatories; but there was some doubt as to whether or not that was sufficient, and an inquiry on the subject was now pending.

Vote *agreed to.*

(6.) £300,000, Public Education in Great Britain, on account.

Mr. WILSON said, that as the subject of education would shortly come before the House on the Resolutions of the noble Lord the Member for London (Lord J. Russell), it was proposed at present to take only £300,000 on account of the whole Vote (£450,000).

Mr. HADFIELD said, he thought the Government proposed to take too much on account. The whole question of education might be settled next week, and the Government ought not to press the present Vote. There was no Act of the Legislature warranting the expenditure, and the proceeding appeared to be highly unconstitutional.

Sir GEORGE GREY said, the Government, in accordance with the hon. Member's suggestion at an early period of the evening, proposed to take at present a portion of the money only, leaving the rest to be voted after the House should come to a decision on the Motion of the noble Lord the Member for London. He believed that some inconvenience would be experienced if a portion of the money were not now voted.

Mr. MOWBRAY said, he wanted to know what had been the expenses of Kneller Hall in past years? It had been a costly establishment, and, he believed, had turned out a total failure. He saw by the Estimates of last year, £4,800 were voted for it; but now, in consequence of the institution being a failure, the premises were to be disposed of; and he, therefore, wished to know what the institution had cost the country, and what sum was likely to be realised for the premises?

Mr. WILSON said, there could be no objection to furnish an account of the total expenditure. The institution was given up, and the premises were about to be disposed of.

Mr. HADFIELD said, the institution had cost the country £70,000, or about £1,200 for each pupil teacher; so that what teachers afterwards received as salaries would probably be less than the interest of the money expended in preparing them for the duty of teaching. He must again press the Government not to take the Vote until after the discussion on the Motion of the noble Member for London.

Mr. VANSITTART said, he thought it was not fair in Gentlemen who took an interest in these Estimates to postpone their consideration to what might be termed a "field day" upon education. He thought some explanation was required upon the large increase of capitation money and other items contained in the Estimate.

Sir GEORGE GREY said, he trusted the Committee would vote the sum on account, postponing any discussion with reference to the Vote until the remainder of the money should be asked for.

MR. ALCOCK said, he must deprecate the manner in which this Vote had hitherto been applied, and he certainly concurred in the propriety of postponing it for the present.

SIR GEORGE GREY said, he thought that the Committee had agreed to postpone the discussion upon the Vote, or he would have made a statement in proposing it. He therefore submitted that it would be inconvenient to continue the discussion at present.

MR. BARROW said, he wished to know whether schools for adults, not under the inspection of the Council, would receive the assistance of the grant in this Vote for books and maps?

SIR GEORGE GREY replied, that they would receive the same assistance as other schools.

Vote *agreed to*, as was also the next Vote—

(7.) £64,675, Department of Science and Art.

Motion made, and Question proposed—

> "That a sum, not exceeding £227,641, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1857."

MR. W. WILLIAMS said, he did not object to a grant for education in Ireland, but there were some grants in the Vote that ought not to pass without observation. At page 16, there was an item for the "Albert Agricultural Training Establishment and Model Farm, Glasnevin." He observed, that wherever the name of Albert was attached to an institution, a profuse expenditure was connected with it. There were several of the items which related to a kind of fancy agricultural teaching, and there ought to be some reduction on the grant; he thought education would be better promoted in Ireland by teaching people of that class some of the more common things of life.

MR. BLACKBURN said, a large Blue-book had been delivered within the last day or two on the subject of national education in Ireland, almost filled with details of various agricultural experiments, which did not seem to have led to any practical result. In Scotland they carried on experiments of that description at their own expense. The Blue-book also contained various details with respect to the Albert Training Institution, and the pupils who had been educated there, to which he wished to direct the attention of the Committee. Considering the amount of profit yielded by the allotments of those industrial schools, he was surprised they did not take a few more hundred acres into cultivation, so as not to want any money at all. In the account of allotment E, held by John Shorte, at 3*s.* 10*d.* rent for ten perches, the balance in favour of the allotment at the close of the year, was stated to be £2 2*s.* 2½*d.* Out of the £227,000, £17,000 were expended for agricultural schools, £23,000 for model schools, £10,000 for mixed schools, and last, not least, £36,000 for management; so that £140,000 only were applied to the actual working schools. The items ought to be carefully looked into, and he should therefore move that the Vote be postponed.

VISCOUNT PALMERSTON said, the objection which his hon. Friend had taken to this Vote seemed to him to be an objection to all contributions for the public education of the lower classes, and, if his hon. Friend were consistent, he ought to object to any Vote whatever for the diffusion of education. For what was the object of education? It was to teach those who were unable to obtain education for themselves those things which would be useful to them through life. His hon. Friend would vote money for teaching astronomy, mathematics, and any of the higher branches of education, which he was afraid were made too much of by some schools supported by public contributions; but his hon. Friend would refuse that knowledge which would be useful to them every day of their lives, and on the possession of which depended the increasing prosperity of Ireland. Every one knew that the great bulk of the Irish peasantry were agriculturists, that upon the skilful or unskilful cultivation of the soil depended their happiness and prosperity or their misery and wretchedness, and that upon that prosperity or misery turned the prosperity of a part of the United Kingdom, which materially affected the general prosperity of the whole empire; the Irish peasantry were greatly deficient in agricultural knowledge; they occupied small portions of land; they practised the rude system they had learnt from their predecessors; they were ignorant of the rotation of crops; they did not know how to turn to the best account those natural resources which lay undeveloped in the soil they trod. He maintained that there could not possibly be a better application of money than employing it to teach them how to cultivate the soil, how to raise the greatest amount of produce, how to know the sort of cattle most fitted for the markets they supplied—in short, the science of agriculture, which was the pursuit of their lives, and upon which depended the well-being of themselves and families and the prosperity of that part of the country.

Mr. W. WILLIAMS said, the observations of the noble Lord only proved that the public money of this country was devoted to the purpose of teaching the Irish peasant improved agriculture, for the sole benefit of the Irish landlords. The English peasant learned agriculture himself, and he (Mr. Williams) did not see why the Irish peasant could not do so likewise. He wished to know, however, of what advantage it was to Ireland to have a person sent from Prince Albert's farm at Windsor to learn agriculture? He should move the reduction of the Vote by three items, amounting altogether to £14,905.

Motion made, and Question proposed—

> "That a sum, not exceeding £212,736, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1857."

Mr. BLACKBURN said, he would not press his Amendment to postpone the Vote.

Colonel DUNNE said, he must deny that the Irish landlords derived any benefit from those schools, unless the pupils afterwards served them as stewards. They were all aware that, if a landlord knew little of agriculture, he employed a steward, generally a Scotchman; but, however efficient a Scotch steward might be, it had been found in many instances a most expensive luxury. The published account of those institutions placed the subject in a most ridiculous light. He did not believe in the profits of the allotments. But, taken altogether, he deemed the schools beneficial, and all the Committee had to do was, to inquire strictly how the money was expended.

Mr. BARROW said, that such Votes created a feeling against really industrial schools, because the public saw so much money laid out for schools that were not necessary. Take the training school at Kneller Hall, for instance, the pupils in which cost, according to one estimate, £1,000 a piece, and according to another, £600. In the normal establishment of these Irish schools, he found £300 to two professors who were to "lecture on the art of teaching and conducting schools, the English language and literature, history, geography, mathematics, political economy, natural philosophy, and chemistry." He thought the Vote ought to be reduced, and that the Committee ought to cut away those excrescences that, in his opinion, injured the cause of education.

Mr. MOWBRAY said, he found in page 17 an item of £4,000 for a district model school, the site of which was not determined upon. A similar school was to be erected in the city of Londonderry, for which £3,000 was sufficient. Then he found the salaries of teachers and assistant teachers of national schools amounted to £101,000, besides £6,000 for salaries to various classes of monitors, and £3,000 for salaries of work-mistresses and teachers of the higher branches of needlework in industrial schools. Then there was an item of £1,000 for "premiums to teachers for the encouragement of neatness and cleanliness." He thought that teachers might be expected to encourage habits of neatness and cleanliness without receiving premiums for so doing. He also found in the book department an item of £10,000 "towards paper, printing, and binding the national school books, and to purchase maps and other school requisites." If the hon. Member proposed to reduce the Vote by a greater amount, he would divide with him.

Mr. KINNAIRD said, he thought it would be better to withdraw a portion of the Vote, in order that the Government might reconsider it and present it in an amended form.

Mr. MACARTNEY said, that when the Vote amounted to £60,000 or £80,000 the poor derived some advantage from it. He believed the Vote in the first year was £40,000, but now it amounted to £227,641. The amount voted for education in Great Britain last year was £396,921, which was disbursed at a charge of £12,663 for administration. The sum voted for the Irish Commissioners of Education was much smaller, yet the cost of its administration was about £14,000. The various items of that expenditure had not been set forth as they ought to have been, but the extravagance of the establishment in Dublin, under the control of the Chief Commissioner, called for a great exertion on the part of the English portion of the House of Commons to remodel it and put it on a more economical footing.

MR. J. G. PHILLIMORE said, he hoped that the Government would reconsider this Vote, because it bore marks of being a most transparent job. He found an item of £100 for a "literary teacher to the literary teachers in training at Marlborough Street." Then there was a "first agriculturist," at £120, and a "second agriculturist," at £80. He certainly could not give his consent to the Vote in its present shape.

MR. DISRAELI said, he certainly thought the Vote required further consideration, more especially in view of the vindication of its utility attempted by the noble Lord at the head of the Government, who had raised questions which it was difficult to see where they should stop, if they drew from those principles the legitimate consequences that would inevitably follow their adoption. He (Mr. Disraeli) was not prepared to say that a model farm in Ireland might not be valuable and useful—though he was in general opposed to model farms. There might be anomalous circumstances in connection with that country which would render it necessary to place the means of learning the highest and most perfect modes of cultivation before the agricultural population of that country; but though that House might authorise one model farm, it did not follow that this institution should organise, as it had done, model farms in other parts of that country. The use of a model school was to give a stimulus and a direction to individual industry, and influence it to make exertions for the creation and application of capital, and so give a beneficial impulse to public conduct, elevate the tone of society, and improve the average exertions of the country. But in this case, there was not merely a model school, but a parent institution; every institution derived from it was a model institution; and it might ultimately come to the point, if the principle were admitted, that the whole face of the country would be cultivated at the public cost. The hon. and gallant Member for Portarlington (Colonel Dunne) seemed to him to raise objections to the Vote that he rose to advocate, for he said that the advantage of these model institutions was, that here, at a cheap rate, the Irish landowners might educate stewards to manage their properties. But for such model farms his hon. and gallant Friend said they must send to Scotland, where they would get very good but very expensive stewards. Then the question arose—ought the proprietors of Ireland to benefit by the Imperial capital thus applied? But here the noble Lord (Viscount Palmerston) stepped in and said, "How can you oppose these Votes? Are you not for education? Are you not every day and night pressing upon the Government that education is of the first consequence? And what is of more importance than to instruct the people of Ireland, who are almost exclusively an agricultural people, in a skilful cultivation of the soil?" Now, with all deference to the noble Lord, there appeared to him (Mr. Disraeli) to be a great fallacy in those observations, which, falling from so high a quarter, required to be answered. He apprehended that there was very little difference in that House at the present day, not only as to the benefits of education, but also as to its being the first duty of a State to encourage and stimulate the education of the people of the country whose affairs it administered; but then he took such education to mean—in the largest acceptation of the words—the religious, the moral, and the literary education of the people—the education of their soul, their heart, and their intelligence. The duty of the State was only to cultivate the spirit, the heart, and the intelligence of the people; and having performed that task, they should allow them to employ the talents they had cultivated in order to advance themselves in life; but he did not apprehend that when they had advanced the education of the people it was the business of the State to educate them in trades—that it was the business of the State to educate them in cultivating the soil, any more than it was the business of the State to educate them in manufacturing raw material into cotton articles. He wanted to know where the line was to be drawn? If the notion of education expressed by the noble Lord that night was adopted by the House of Commons, he (Mr. Disraeli) would like to know where they were to stop with Votes of that kind—whether they might not have a Vote for a mill, a model mill, or a model bakery. Following out the principle propounded in the present case, he would ask whether, having passed this Vote, any trade or manufacture in the country might not come, and on similar grounds, ask that

House for those colleges and houses to educate people in their particular branch of industry. It appeared to him that the principle of those Votes was essentially a false one, though he could not go so far as the hon. Gentlemen on the other side of the House, who asked hon. Members to strike those Votes out of the paper on the present occasion; for, as had been suggested, the model farm was not an establishment that could be put an end to in a moment; but he could not doubt that the Committee would, on this occasion, in a manner that could not be mistaken, express their disapprobation of a system which had already entailed upon the country a large expenditure, to the increase of which he saw no limit if the principle advocated by the noble Lord was accepted. He should be glad, knowing himself but little of the localities in which some of these model schools were situate, to hear Irish Members favouring the Committee with their opinions on the subject. He should be glad to hear the Chief Secretary to the Lord Lieutenant giving some statesmanlike and philosophical vindication of these Votes; but a silence, that had not illuminated the discussion, had prevailed on the Treasury benches. The Committee had not even been favoured with that contribution to its knowledge of the subject under debate which might enable them to form such a determination as might be desired, and which could have, perhaps, been imparted by those Irish Members who might themselves be interested in those Votes. Passing over the model farm, he found that there were nineteen model agricultural schools under the exclusive control of the Board, and the expense of which, on the whole, amounted, of course, to more than that of the model farm; and he perceived that for one of those model agricultural schools—that at Limerick—no less a sum than £2,300 was required. Now, one of the Members for Limerick was a distinguished Member of Her Majesty's Government, and from him he (Mr. Disraeli) would be glad to have some information on the subject of this school. He knew that the right hon. Gentleman the Clerk of the Ordnance had great ingenuity in debate, and was oftener on his legs than probably he wished to be; but the question of this model school in Limerick was one on which the right hon. Gentleman might be in a position to give the Committee some information. He (Mr. Monsell) might tell

the Committee in what part of the Limerick district this model agricultural school was placed—whether it was contiguous to his own estate, and therefore under his own observation, so as that from his own experience he could give them the desired information. There was also another hon. Member for Limerick in that House; and he, too, would have an opportunity of speaking on the matter, for in addition to the sum of £2,300 asked for the school itself, there were Votes for "furniture" for the residences of masters and agricultural and literary pupils, and the other hon. Member for Limerick might give the Committee some information with respect to those items. He (Mr. Disraeli) did not mean to say that these were important details, though £2,300 was not an inconsiderable sum for one of those schools; but as there were nineteen of them, he could not but think that the present was a good opportunity for the representatives of all those districts—when a Vote of this kind was called in question there was an excellent opportunity for those hon. Gentlemen to come forward and contribute to the debate. Gentlemen in the great position of Ministers of State would add much importance and weight to the debate; and, on the other hand, for Members of less experience, what better opportunity of catching the ear of the Committee than that which would be afforded to them by speaking of those schools which might be on their own estates, and which might be of immense advantage to them. Those hon. Members might say, "By the beneficent and philanthropic Legislature of England we have the advantage of model agricultural schools on our estates. Still, we are ready to vindicate the Vote for those schools—we are ready to prove that they are of the greatest importance and advantage to our country." He really hoped that before the discussion ended they would have that information at least from the representatives of the districts in which those schools were situate. He also trusted that the comments made by hon. Members in the course of that debate would convince the Government that such Votes could not be passed in the easy manner that the Government seemed to think. If the mischief of this system were limited to the Votes on the papers then before the Committee he would not have been disposed to oppose those Votes; but, after the observations of the noble Lord, he could not have remained silent, for he could not understand why Votes of that kind were to be multiplied *ad infinitum.* He could not help remembering that from the circumstances in which this country had been placed during the last two years, and the existence of which rendered it necessary that the greatest confidence should be placed in the Government, and the least scrutiny possible of expenditure of the public money resorted to, that House had fallen into habits of expenditure that ought, at least, to be checked—not, however, unjustly checked. For let it not be supposed that because they were now about to terminate a great cause of expenditure, and because they would of necessity have to severely revise the establishments of this country, he should avail himself of such a time to recommend any reduction of the expenditure necessary for the education of the people of Great Britain and Ireland. But if they were to legislate for the education of the people, let it be for their religious, moral, and literary education. But let it not be for education that was to teach them to be tillers of the soil—which would teach them to be followers of trade—which would teach them to be manufacturers of raw material; a course which would, in fact, be to step in and give to a country, as a community, those advantages which could only be the result of experience, and that an experience which could be obtained only at the country's own cost and risk, and by its own study.

Mr. HORSMAN said, he could assure the right hon. Gentleman that he did not require his invitation to come forward, but he had thought it less necessary to rise in the presence of the right hon. Gentleman, because the Votes now before the Committee were similar to those introduced by him and recommended to the House when he was a Minister of the Crown. For those Votes, which did not now appear in the Estimates for the first time, it should be understood that the House of Commons was really responsible. He was not prepared to vindicate the particular terms in which those Votes were recommended, which he admitted were open to criticism. But when he heard it denounced as a job in the interests of the Irish landlords, he would remind the Committee that this was only part of the large sum placed at the disposal of the Commissioners of National Education, and that, though this was originally intended to promote literary instruction, they had thought it right to devote a small portion to the industrial education of the people of Ireland. It might be a question open to debate whether it was a wise course to pursue hereafter; but those were establishments which had been agreed to year after year, and which now summarily to break up would inflict great injury and injustice on many parties. Instead of taking each Vote separately, and commenting on the words in which it was proposed, it would be better for hon. Members to show, if they could, that the money which had been expended had not been beneficially employed. According to the information which he had received the contrary was the case. A good deal had been said about one item for "literary teachers to literary teachers," but every one knew what was meant, though the expressions were not happy, and that there was a class of superior pupils in training to become teachers, and that there must be experienced teachers to qualify them for their future functions. In England such a Vote as the present was not required, because there were agricultural societies, with their periodical shows and their grants of premiums, and agriculture was pursued under a system to which all the aids of wealth and science had long been applied. But that was not the case in Ireland, where agriculture was in its infancy, and required some extraneous aid, under the application of which it had lately made great advances. He would beg to impress upon the Committee that Parliament was responsible mainly for this Vote, although it might fairly be considered whether in future years any modifications might not be introduced into it. He therefore hoped the hon. Member who moved the Amendment would be satisfied with having elicited the opinion of the Committee, and leave the Commissioners of National Education to be warned by this discussion to weigh well all the details of any Estimate which they might propose.

Mr. M'MAHON said, he represented a district of Ireland which would not be at all benefited by the Vote, and was as hostile as any one to any jobbing system of applying public money to special purposes; but he was surprised that English and Scotch Members should just then find that Votes for education, other than moral or religious, were wrong. He would ask them whether the Vote they had passed that evening for mining schools was justifiable on that ground, or the Vote for the Marlborough House Schools? The latter were intended to diffuse among the youth of this country a knowledge of arts and sciences, in order that native manufacturers might be enabled to compete with foreigners without the necessity of obtaining their designs from abroad. If the Committee should refuse to pass this Vote, he should certainly divide upon that for the Professorship of Materia Medica and Comparative Anatomy at the London University, which certainly could not come under the denomination of objects of moral or religious education.

SIR JOHN SHELLEY said, that the Votes which had been quoted by the hon. Member for Wexford (Mr. M'Mahon) were divided among England, Scotland, and Ireland. The right hon. Gentleman the Secretary for Ireland had cast a deep slur on the landed proprietors of that country when he referred to the agricultural societies as a reason why Government aid was not required in England, for he forgot to mention that those societies were maintained by individual subscriptions, as was also the Royal Agricultural Society of Ireland, which had done much good. He objected to the Vote on principle, and believed that so long as Government support was extended to Irish agriculture, the energies of the landowners would be cramped and repressed.

MR. WILSON said, he must remind the Committee that, a year ago, a lengthened conversation had taken place upon the present subject, and the decision then arrived at appeared to be that the Commissioners for National Education in Ireland had shown great discretion in applying a portion of their funds to industrial training, and certainly the public had regarded that expenditure with no inconsiderable degree of favour. What was there new in the principle thus introduced in the system of national education? Nothing. It was only applying it in the most practical manner to the interest of the people. Would it, then, be wise, now that the Commissioners had got these establishments to the present state of completeness and had all these engagements on their hands, for the House of Commons to interfere and put an end to them at once? He trusted, after the many discussions which had taken place on the subject, and after the repeated Votes that had been sanctioned, the Committee would not suddenly withdraw this Vote.

MR. STAFFORD said, he wished to know who was responsible for the Vote now under consideration, since the right hon. Gentleman the Secretary for Ireland, while defending it, had said that he was not prepared to maintain it in all its details, while the right hon. Gentleman the Secretary of the Treasury had simply called upon the Committee not to maintain the principle, but to abstain from suddenly withholding the salaries of the Commissioners, and thereby disarrange their plans. He never could understand what advantage was to be derived from agricultural training establishments in Ireland. It appeared to him to have no connection whatever with national education, but to partake altogether of class legislation. It tended to set the agricultural population against all the other classes of the community, and it was in a degree opposing Ireland against England, where no such establishments existed. If they sanctioned an establishment for agriculture, why not have an establishment for shipbuilding? He believed that the agricultural interest of Ireland was at the present moment based on as broad and healthy a foundation as it could possibly be, and that it did not need such Votes as that now proposed. It was rather singular that he should have to teach free trade to hon. Members sitting on the Treasury benches. But he did trust that they would recognise their own principles and withdraw this grant. He, as a landed proprietor of Ireland, would be able to witness the utter abolition of the existing establishment without the least alarm.

MR. BARNES said, if they did not retrace their steps, they must go on to a point beyond reasonable conception. It was essentially unjust that his Lancashire constituents should be taxed for such establishments in Ireland, and he hoped, if the Vote did pass, that this kind of legislation, which was class legislation, in fact, would very soon disappear.

VISCOUNT PALMERSTON said, it was to be regretted that the right hon. Gentleman (Mr. Disraeli) had not a better recollection and less imagination when he attacked with so much eloquence a Vote which he himself had become responsible for when sitting on those (the Ministerial) benches. Probably his memory was not sufficiently tenacious; or, perhaps, he was carried away with the impetuosity of his imagination, and had thus been led to break his lance against his own shield. He could not admit the doctrine which the right hon. Gentleman had laid down—namely, that the efforts of a Government in promoting the education of the people should be limited entirely to religion, morality, and intelligence, and that everything tending to enable the people to maintain themselves in life should be altogether excluded. He alway understood that education was the art of teaching men how to live according to the circumstances in which they might be placed. It was, he must confess, quite a new doctrine to him to hear it asserted that it was an abuse of the powers of Government to teach the people industrial occupations. The right hon. Gentleman had said, "If you teach the people agriculture, why not teach them cotton spinning?" It had been well observed that we at least did teach them cotton printing by the establishment of schools of design. And if it were right to establish schools of design, why should it not be equally right to establish schools for agricultural training? The object of such institutions certainly was not to enable the people to make fortunes, or to accumulate wealth, but to qualify them to support themselves and their families, and to struggle through life in that position in which their lot had been cast. Upon general principles, he admitted, it was not expedient to devote public money to advance the condition of the people; but the condition of the people of Ireland was an exception to all general rules. He would not at that moment enter into any discussion, but every man must know the unfortunate state in which Ireland had for ages been placed, and how Ireland had been the victim of misgovernment on the part of this country. It was true that could not be said of the Government for many years past, because they had been retracing their steps, and had been doing justice where injustice had hitherto prevailed. But it was from the misgovernment of former ages that Ireland was still suffering. And when they knew that that country was comparatively poor, because in former ages it had been misgoverned, because its resources had not been brought forth, and because it had been made the victim of oppression and the object of class legislation, he contended that Ireland was an exception to the general rule. For many years past a more enlightened policy had prevailed. The Government of this country had retraced its steps. But even now, when they considered what had been the calamitous results of long years of misgovernment to that country, they were not only entitled, but bound, in justice, to make Ireland an exception from the general rules of legislation. What had been the affliction, what the calamity, which, within the last few years, had pressed upon Ireland? Why, it was famine. It was a deficiency of the produce of the soil. It was a calamity inflicted upon the inhabitants of the country arising from the imperfect system by which they cultivated the land on which they lived. When their minds were so recently oppressed with the calamities which that famine produced in Ireland, and when they remembered the heavy burdens which those calamities entailed on England, with a view to exempt themselves in future from the recurrence of those evils, it could not be justly said that it was a misapplication of a small portion of the public revenue to devote it to the promotion of agricultural training in that country. It might be true that this system of gratuitous training of the people by public establishments might be carried too far. It was perfectly possible that those training schools and model farms might be carried beyond the necessity of the case, or the beneficial results that had been derived from them might have rendered them no longer necessary as permanent establishments. When those establishments had accomplished their purpose, they ought to be discontinued. If Ireland were raised to the level of England no one would think of asking Parliament to vote money for this purpose. He was, therefore, quite ready to admit that this Vote was a fit subject for revision, and it would be the duty of the Government to urge upon the Commissioners who had the management of those establishments to consider whether they were not now carried on on too extensive a scale, and whether some changes might not be made before the Estimates were again introduced by which their expense should be diminished, or by which they should be more distributed. He could not consent to the reduction of the present Vote, because the teachers were all engaged and had made their arrangements on the faith of their occupation being continued for another year, and it would be a most cruel thing to turn them adrift on a sudden.

Mr. DISRAELI said, that with respect to the observations of the noble Lord that he had himself on one occasion sanctioned a Vote similar to this, he would remind the Committee that when he (Mr. Disraeli) had the honour to assume a responsible position, it was one of the conditions agreed upon between the Government of which he was a Member and the House of Commons, that, in order to facilitate the progress of public business and expedite the making of an appeal to the country, they should accept and move the Estimates which had been prepared by their predecessors. Therefore this objection of the noble Lord, which would in no case have been of much importance, was in the present instance entirely without weight. He was surprised at the tone which the noble Lord had adopted in regard to this Vote. The noble Lord said that Ireland had been suffering from sectarian differences, and therefore we must establish model farms throughout the country. The speech of the noble Lord reminded him of the earlier years of his Parliamentary experience. He was in hopes that Ireland was a smiling and prosperous country, and one which England might at present regard almost with envy; but the noble Lord had revived such dreadful recollections of misgovernment that he had quite thrown a cloud over the debate. He should like to know for how many years Ireland had been misgoverned. For the last twenty-five years, with a very slight exception, the Whigs had governed the country, and for a considerable period before their term commenced the noble Lord had himself some share in the Government. Therefore, it did appear to him to be somewhat inopportune that the noble Lord, who had at least half a century of political responsibility for the government of Ireland, should have introduced such grave considerations into his vindication of this unhappy farm. The noble Lord was also an Irish landlord, and had therefore an additional feeling of responsibility. However, after the last observations of the noble Lord, so different from the first, he should be indisposed to inconvenience the Government by suddenly stopping a Vote of this kind. The noble Lord had made an appeal almost *ad misericordiam*, and had spoken of the professors and literary teachers as he would of the members of the Osmanli cavalry of the Contingent, who had just been enlisted, and were now about to be disbanded. Under such circumstances the Government ought to be spared unnecessary annoyance, especially after the assurance of the noble Lord that those Estimates would not again be submitted to the House in their present form. He understood, from the last observation of the noble Lord, that he had made up his mind that they were indefensible in principle and impossible in practice. ["No, no!"] If they were defensible in principle and possible in practice, he must have misunderstood the noble Lord and should certainly vote against them. If he was right in collecting from the speech of the noble Lord that he felt it would be inconvenient for the Government again to present them to the House, he thought the most temperate course would be not to press the Government, but to agree to the Vote, on the distinct understanding that it would not again be asked for by this or any other Government. If his impression were erroneous, he should feel it his duty to mark his sense of the impropriety of the Vote by supporting the Amendment of the hon. Member for Lambeth.

VISCOUNT PALMERSTON said, he would not obtain the vote of the right hon. Gentleman under false pretences. He did not say that he disapproved the principle of this Vote. On the contrary, he did his best to show that that principle was a good one. What he said was, that there might be on the details matters for revision, and it would be the duty of the Government to urge the Commissioners to consider those details with a view to the reduction of the Estimate in future.

MR. DISRAELI said, that if the noble Lord only said that the details of the Vote might be revised, he should vote for the Amendment. If the noble Lord said that those details should be revised, he should support the Government.

VISCOUNT PALMERSTON said, that was exactly what he did say. He said that it would be the duty of the Government to urge the Commissioners to reconsider the details of the Estimate.

MR. HADFIELD said, he thought the most injurious thing for Ireland was that too much was done for her. Let Ireland have justice done to her; let them, instead of grants of money, remove the evils of the Established Church. They would then be beginning at the right end. The fact was that sums of money were given to maintain an institution against the majority of the wishes of the people of Ireland. The noble Lord himself wished to have nothing to do with the educational question; but the fact was he was goaded by Gentlemen before and by Gentlemen behind, that he was obliged to go on. Let it be notified to the country that the entire education of the people was in the hands of Government. If they did not retrace their steps, they would bring the cause of education into obloquy and disgrace. He hoped to see the day when this system of jobbery would be given up.

Mr. HANKEY said, he wished for some explanation as to the item of £700 for gratuities for workhouse teachers in Ireland.

Mr. SPOONER said, he hoped, that if they were to divide, they would divide upon the real merits of the question. In respect to the hon. Member for Lambeth's Amendment, it appeared that it concerned the salaries of persons who were actually engaged for the ensuing year. Now, it would be doing those persons a great injustice if, by acceding to the Amendment of the hon. Member for Lambeth, they deprived the Government of the power of paying those persons. As they had received an assurance from the noble Lord at the head of the Government that this item would be reconsidered for the future, he hoped that the hon. Member (Mr. Williams) would not press his Amendment to a division.

Mr. VANSITTART said, that inasmuch as they took only a sum of money on account for education in England, he thought that they ought to take a similar course in respect to this Irish Vote. He would, therefore, move as an Amendment, that the Vote be reduced to £200,000.

Motion made, and Question proposed—

> "That a sum, not exceeding £200,000, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1857."

Mr. W. WILLIAMS said, he was aware of the difficulty attending the success of his Amendment. He did not, therefore, wish to force the Committee to a division against the feeling of hon. Members. He thought that the best course to take was to postpone the Vote altogether.

Mr. BLACKBURN said, that he for one would be unwilling to give the Committee the trouble of dividing, if they received any pledge from the Government that the Vote would be reduced. It was £12,000 more than last year, being an item for the erection of buildings for which no contract had been as yet made. He did not approve of the Amendment to take a Vote on account, because that would involve the necessity of discussing the whole question again.

Mr. MOWBRAY said, there were two items in the Vote upon which he thought the Committee could test the sincerity of the Government. The one was an item of £3,000 towards the erection of a model district school in Londonderry, and the other was one of £4,000 towards the erection of a district model school on a site not as yet determined upon. He would therefore suggest to the hon. Member for Lambeth the propriety of altering his Amendment to the reduction of this item of £7,000 from the Vote.

Viscount PALMERSTON said, he thought that the Committee ought to be satisfied with the assurance that the whole subject should be referred to the Commissioners. By consenting to the suggestion just thrown out, the Committee would be acting entirely in the dark, for it might be that these two new schools proposed to be established were likely to be of more use than three or four others which might be abolished.

Mr. VANSITTART said, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Mr. HORSMAN said, in reference to the suggestion of the hon. Member for Durham (Mr. Mowbraw), it so happened that the two items referred to were for literary schools.

Question put—

> "That a sum, not exceeding £212,736, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1857."

The Committee *divided:* — Ayes 38; Noes 144: Majority 106.

Original Question again proposed.

Mr. MOWBRAY said, he should now move that the Vote be reduced by two items—£3,000 for the erection of a literary district model school in the city of Londonderry; and £4,000 for the erection of an additional institution of the same description, the site for which is not yet determined on.

Mr. W. WILLIAMS said, he would second the Amendment, and also begged to call attention to the fact that, notwithstanding all these grants for agricultural purposes, only one student passed his examination for a diploma in agriculture at the Queen's University last year.

Mr. HEYWORTH said, he would support the Amendment, on the ground that such grants were inconsistent with the principles of political economy.

Mr. I. BUTT said, that the question raised by the Amendment was, whether it was right to have model literary schools?

He hoped they would not be thrown over in the way proposed.

Mr. BARROW said, he was prepared to vote for the Amendment, on the ground that sufficient funds would remain, even if the £7,000 were deducted.

Motion made, and Question put—

> "That a sum, not exceeding £220,641, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1857."

The Committee *divided* :— Ayes 41; Noes 126: Majority 85.

Sir JOHN SHELLEY said, he wished some Member of the Government to explain, in regard to an item of £5,175 for the expenditure on a model farm of 178 acres, whether there was not a debtor and creditor account kept of the working of this farm, and whether or not the outlay upon it yielded any return?

Vote *agreed to;* as was also—

(9.) £21,182,700 to pay off Exchequer Bills.

House resumed.

JOINT STOCK COMPANIES BILL.

Order for Committee read.

House in Committee.

Mr. LOWE said, that he was ready to accede to the suggestion which had been made by the right hon. Member for Oxfordshire (Mr. Henley), that the Bill should be committed *pro formâ*, with the view of introducing the Amendments which had been proposed. Many of those Amendments were merely verbal, and there were others which introduced no new principle, but which were intended to carry out more effectively the provisions of the Bill. He hoped the Committee would not suppose that the great number of Amendments arose from any slovenliness or want of care in the preparation of the Bill, for they were attributable to the great interest which was taken in the subject by the public. Numerous Amendments, many of them well worthy of adoption, had been suggested, and he therefore begged to move that the Bill be committed *pro formâ*.

Bill passed through Committee.

House resumed.

INCUMBERED ESTATES COURT.

Mr. DEASY said, he would now beg to move, in accordance to notice, for certain Returns relative to the Incumbered Estates Court. He did not move for these Returns with any indirect or collateral object, but with the view of placing before the House and the public an authentic record of the dealings of the Incumbered Estates Commissioners with the late Mr. Sadleir. The subject to which the Returns referred had excited great interest long before the occurrence of the fatal catastrophe which had so much engaged public attention. A strong impression had prevailed in the public mind in Ireland, and particularly among members of the legal profession, that the Incumbered Estates Commissioners dealt with Mr. Sadleir in a manner different from that in which they dealt with other persons. It was generally believed that the Commissioners dealt with Mr. Sadleir as an influential Member of that House, and as a good customer to the Court, and there was a general impression that they gave him, with regard to the purchase of estates, undue advantages, which were not conceded to other persons. He believed that the Commissioners had relaxed one important rule in favour of Mr. Sadleir, namely, that which prohibited any person who was interested in property sold by the Court from bidding for any portion of the property in which he had an interest. It was also believed that other advantages had been conceded to Mr. Sadleir, which were not afforded to persons in a different position. He (Mr. Deasy) did not mean to say that that impression was well founded. He only stated that it existed very widely and generally in Ireland. He moved for these Returns for the purpose of testing the truth and validity of that impression, and he thought it but just to the Commissioners themselves that the Returns should be granted. It was only right to afford the Commissioners an opportunity of relieving themselves from the imputation that they had not afforded to inheritors and creditors due protection against the system of land jobbing which prevailed to a great extent in the Incumbered Estates Court. If the imputation were well founded, the Returns would verify, by authentic statements, the truth of the impression which prevailed, and would doubtless prevent the recurrence of such evils in future.

Colonel DUNNE: I rise, Sir, to second the Motion of the hon. and learned Gentleman. For some time past the notion has prevailed in Ireland that the gentleman referred to had been particularly favoured by the Incumbered Estates

Court Commissioners. Such at least has been the general belief. It is not necessary, however, nor do I wish to enter into details on the present occasion. But I say it is due to this House, it is due to the Irish people, it is due to the course of justice, that the Returns called for should be placed before the House. In general, the public has but little cause to question the purity of the tribunals, and if in the present instance the Judges shall be found to have only acted up to their duty, that should be placed before the public in the clearest manner. I cordially second the Motion.

Mr. HORSMAN said, he was not sorry that the hon. and learned Gentleman had made this Motion, because he seemed to assume that the Government were not disposed to give the information sought. Now, that was not the case. As a general rule, when an hon. Member gave notice of his intention to move for an unopposed Return, the department concerned was asked whether the Return might be granted, and it was next considered whether it would answer the purpose for which it was demanded. He had stated to the hon. and learned Member for Cork that he was not yet in a position to say whether or not the Return for which he had moved would serve his purpose, or whether, in the absence of the law officers for Ireland, he would be justified in at once acceding to his request. There was one very obvious reason why he should not take upon himself the responsibility of granting the Return at the present moment,—the return applied to purchases and sales by the late Mr. John Sadleir in the Incumbered Estates Court. Now a judicial inquiry is going on respecting those sales and purchases, and therefore he should have liked to have a little time for consulting those capable of advising him as to whether the Government should grant the Return at the very moment when it formed the subject matter of judicial investigation. He had stated to the hon. and learned Member that he was not unwilling to grant the Return; but as in the course of next week his right hon. and learned Friend the Attorney General for Ireland would be in his place, it would be only fair that the hon. and learned Member for Cork should withdraw his Motion for the present, in order that the chief Law Officer of the Crown in Ireland might be consulted.

Mr. DEASY said, that he had shown his notice to the right hon. and learned Gentlemen (Mr. FitzGerald), who had made no objection to it.

Mr. HORSMAN said, he could not see what object the hon. and learned Member could have in pressing for the immediate production of the Return; but it was a question for the consideration of the House, and with that observation he was content to leave the matter in their hands.

Mr. NAPIER said, the right hon. and learned Gentleman the Attorney General for Ireland was not in his place when the Government granted a Return a few weeks ago with regard to the Judges of Ireland; and he could not see why the present Motion should be delayed until that right hon. and learned Gentleman resumed his seat on the Treasury Bench. It was an error to say that the subject to which the Return applied was now undergoing a judicial inquiry. There was inquiry in progress into the affairs and resources of the Tipperary Bank; but the Motion of the hon. and learned Member for Cork (Mr. Deasy), referred to a totally different matter, and one, moreover, upon which any Member of that House was entitled to ask for information. The hon. and learned Member had stated a sufficiently strong reason why the Return should be produced; and really it was difficult to reconcile the reluctance of the Government to agree to the present Motion with the alacrity they recently displayed in granting a Return on a matter with which it was irregular for the House of Commons to interfere.

Mr. MACARTNEY: I regret, Sir, exceedingly that the right hon. Gentleman should even give the semblance of opposition to this Motion. [Mr. Horsman: I do not do so.] Having but within the week arrived from Ireland, I am able to state that in conversation the allegation attaches to but one Judge of the Court alone. It is due to the Commissioners to state that it is affirmed that because he had the ear of one of the Judges, the late Mr. Sadleir went into that Court and entered upon his extensive transactions there. At this moment there is a Committee engaged up-stairs in the inquriry how far it would be wise to amalgamate the Incumbered Estates Court with the Court of Chancery. It is essential, therefore, that anything tending to throw light upon the practice of the Incumbered Estates Court should not be withheld. I trust, then, that the right hon. Gentleman will not persist in his opposition to the Motion.

Mr. HORSMAN: Seeing, Sir, what is the general feeling of the House, I will offer no opposition to the granting of the Returns.

Returns *ordered*—

"Of the several purchases made in the Incumbered Estates Court by the late John Sadleir, or any one in trust for him: specifying the name or title of the estate or matter in which each such purchase was made, the names of the Solicitors having the carriage of the sale and the amount of the purchase money.

"Of the number of Declarations of Trust made by or to said John Sadleir, appearing in any book or document in the Incumbered Estates Court; specifying the names or titles of the estate or matter in which such declarations of trust were made, and the names of the Solicitors having the carriage of the sales in such matters.

"Of the several Orders made by the Commissioners, or any of them, extending the time for lodgment of purchase money by said John Sadleir; specifying the date of the order, the amount of the purchase money, the name or title of the estate, and the period for which the time of lodgment was extended.

"And, of the number of conveyances executed by the Commissioners to the said John Sadleir, or any one in trust for him."

The House adjourned at a quarter before One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 7, 1856.

Minute.] *Took the Oaths.*—The Lord Bishop of Derry and Raphoe.

POSTAL COMMUNICATION WITH AUSTRALIA.

The Earl of HARDWICKE rose once more to call attention to the important question of postal communication between this country and the Australian Colonies. When, on previous occasions he had done so, he had been constantly met with the statement that the difficulty experienced by Her Majesty's Government in arriving at a satisfactory solution of the question was caused by the war; but that difficulty, he hoped, would now no longer be pleaded. In the year 1852 a system of steam navigation for postal service was arranged between Australia and the mother country; and although that system was not altogether satisfactory to the Colonies, it nevertheless ensured to them a regular mail communication by way of Suez, at an average passage of sixty-four days. But from the period that the war commenced, in 1854, down to the present moment, the system had been discontinued, there had been no regular mail service, and the mails had been carried, chiefly by merchantmen. He was informed, however, by those who were well acquainted with the condition of the steam traffic on the other side of the Isthmus of Suez, that it was clearly not the war that had put a stop to the communication, inasmuch as the vessels formerly engaged in the postal service were now engaged in other employments in the Red Sea, and that the postal communication might have been maintained throughout the war, had it not been for mercantile speculations and other matters in reference to commerce, of which, doubtless, the Government could not have been aware. The Government had now, it appeared, taken the matter into their serious consideration, and had issued a Treasury minute respecting it, from which, and a lengthened correspondence on the subject, it appeared that tenders had been advertised for by the Admiralty for a steam monthly postal communication, and that not less than six proposals had been sent in. But although the advertisement required that the tenders, which were to be delivered within two months, should specify the route and the maximum number of days on the passage, and that the contract was to last five years, not one word did it contain with reference to the speed the vessels were to travel at; and with regard to the route, it left the contractors to choose their own. Considering, then, the time which this matter had been in abeyance, and the great importance of the question at this moment—the port of Melbourne shipping not less than £1,000,000 sterling in gold to Eng- every month—he thought that an arrangement should be effected with as little delay as possible. He feared, however, from appearances, that at least eighteen months would elapse before anything was finally settled; for the Government, although they had advertised for tenders, had declared that they must, prior to coming to a conclusion, have an exchange of communication with the various Australian Colonies, in order to ascertain what they were prepared to contribute towards carrying on the communication out of their own funds. This he believed was the first instance in which a British colony had been required to subscribe or vote any portion of its revenue for postal communication with the mother country; still, hard as it might be considered, the colonists themselves were disposed to enter into the arrangement, and to vote a certain sum of money for the establishment and maintenance of a rapid and regular communication with the mother country. What he complained of was the unnecessary delay; for there was no necessity to wait for communications between this country and the colonies, and there was, therefore, no reason why tenders should not at once be accepted, the route chalked out, and the mails dispatched by the new service. He understood that a body of gentlemen of high consideration, connected with Australia, were now in England, and were authorised to treat directly with the Government in reference to this subject. They had declared the readiness of the colonies to contribute very considerable sums of money for this object; and he saw by a petition which was presented to the other House for this object two or three days ago, that Victoria had already appropriated, by a vote, £50,000 a year to steam communication with England, and New South Wales £20,000 a year to the same purpose. With such offers on the part of the colonies, and now that the war was over, with means we undoubtedly possessed of establishing this communication, he saw no reason whatever for requiring a correspondence with those distant colonies, and wasting so many months of valuable time both to them and to ourselves. Before concluding, he would like to say a few words with reference to the line of communication which in his opinion was the best and shortest. Instead of going, *via* the Red Sea to Singapore and Ceylon, and so on to King George's Sound and Melbourne, he saw no reason why a direct line should not be taken from Suez, touching at the Island of Diego Garcia, to King George's Sound and Melbourne, leaving the colonial authorities, after the arrival of the mails at Melbourne, to run branch steamers to the other Australian settlements. He recommended the route by Diego Garcia, because it was 3,300 miles shorter than the route round the Cape, and no less than 2,330 miles shorter than the route by Singapore. In fact, the line from Diego Garcia to King George's Sound would represent the string of a bow, the route of Singapore representing the arc. Speaking professionally, his belief was, that in the present day, and in the present improved state of steam navigation, there was nothing whatever in currents or tides, or anything but rocks and shoals, that could prevent steam vessels making direct and safe headway; and that therefore a direct line was perfectly feasible. He would now ask his noble Friend opposite (the Duke of Argyll) what progress had been made with the subject to which he had alluded, and if there were any objection to lay upon the table the memorial of the General Association of the Australian Colonies to the Lords of the Treasury in favour of the line by Diego Garcia?

The Duke of ARGYLL said, the Government were deeply impressed with the great importance—he would go further, and say the absolute necessity—of re-establishing as soon as possible the postal communication between this country and the Australian Colonies. In pursuance of the Treasury Minute, to which his noble Friend referred, tenders had been sent in to the Admiralty, which were under the consideration of the Government at this moment. It was perfectly true, as his noble Friend said, that the Minute did not specify the particular route which the mails were to take. That was left an open question, in order that by a comparison of the tenders the Government might be better able to decide which route presented the greater advantages. With regard to distance, his noble Friend seemed to have taken his estimate from the memorial which he was desirous of having produced; but in this respect he (the Duke of Argyll) did not think the memorial had been prepared with very great accuracy, for he found the memorialists speaking of the route by Diego Garcia as the shortest of all by 2,338 miles, whereas the figures on the chart attached to the memorial itself showed that this was a material error, and that it was shorter than the route *via* Singapore by only 1,100 miles. Moreover, the route *via* Singapore was not the only eastern route; there was another considerably shorter, which had been already indicated—that by Point de Galle. As to the question of delay, he could assure his noble Friend that the Government were not inclined to postpone the subject unnecessarily. The only difficulty that stood in their way was, that under the new arrangement it was expected by the mother country that the colonies should bear a considerable part—at least half—the expense of the service; and so far from that being felt as a hardship by the colonies, he was convinced, from the correspondence that had taken place, that they would be perfectly willing to close with the arrangement. But before we came to a settlement of the question we ought to have their assent, especially as several colonies had offered their contributions upon conditions which were not easily reconcilable one with another. If a satisfactory arrangement could be arrived at in this country, it might be found expedient, perhaps, not to wait for the assent of every colony. The Treasury Minute was sent out to the colonies on the 4th of November last, and he thought that in the main he might guarantee that the general principle which it sketched out would be acceptable to them. There was no objection to lay the memorial on the table.

THE CURRENCY—THE BANK CHARTER ACT.

The Earl of EGLINTON rose to call the attention of Her Majesty's Government to the Expediency of issuing a Royal Commission to inquire into the Operation of the Laws which regulate the Currency of the United Kingdom. He feared that, perhaps, many of their Lordships might have viewed the notice he had placed upon the paper with some feeling of alarm, since the subject was one difficult to understand, and from which many men naturally shrunk; but he would assure their Lordships that he would abstain from indulging in any vague theories or long calculations of figures; he would not conduct them back to the time of William the Conqueror, or even of Henry the Eighth or Elizabeth; he would not inquire whether corn, or gold, or what other article should be the standard of value. He merely wished to convince the House, as he was convinced himself, that a searching inquiry into our system of currency was, if not necessary, at all events very desirable at the present moment. There were several reasons why this was the proper time for such an inquiry, and the first of these was the position in which the Bank Charter now stood. The existing Charter was granted to the Bank in 1844 for ten years, after which time it was liable to be terminated by the Government giving a year's notice. The time had, therefore, elapsed which was laid down for the Charter, and the Bank might now be said to be going on from hand to mouth, waiting for a new Charter; and he thought there were few, if any persons, who would wish to see a new Charter granted, unless the subject first underwent a most searching investigation. Another reason, and a very important one, which made him think that this was a proper time for instituting this inquiry was, that we were now entering upon a peace which was likely to be an enduring one, both from the prostration of the aggressor and the intimate alliance of the great countries of Europe, and this country was probably on the eve of a career of considerable commercial enterprise, and of internal tranquillity and content almost without a parallel. In the Session of 1848, in consequence of the severe monetary pressure of the preceding year, Committees were appointed of both Houses of Parliament to inquire into the causes of the distress which had spread ruin all over the country. Both Committees were equally anxious to do their duty; but the result of their investigation was, that they came to conclusions diametrically opposite; and whilst the Committee of this House reported strongly in favour of the abrogation or relaxation of the Act of 1844, the Committee of the House of Commons came to the conclusion that no change whatever should be made. He might also remark that, in each case, the decision was arrived at by a very narrow majority. He apprehended, therefore, that the difference in the conclusions come to by the two Committees, and the narrowness of the majorities by which those conclusions had been arrived at, constituted fair and sufficient ground why the subject should be now taken up by a Royal Commission, which would investigate the subject free from the prejudices or party spirit which in some degree necessarily attached to Parliamentary Committees in matters of this kind. Further, he was rather unexpectedly fortified in his opinion that an inquiry ought to be instituted, by the statements of Gentlemen who had hitherto been regarded as the staunchest advocates of the Act. In the course of the late debate in the House of Commons the Chancellor of the Exchequer was reported to have said—

> "I, nevertheless, fully admit that the operations of the Bank Act of 1844 is a fit subject for investigation by a Committee of this House, when the proper time shall arrive, and when the circumstances shall appear favourable for the prosecution of such an inquiry. I quite admit that there are many parts of its operation which not only deserve, but require full inquiry before a competent authority, and I shall be quite willing, when the proper period arrives, to assent to the appointment of a Committee."—[3 *Hansard*, cxl. 1533.]

On the same occasion Sir Charles Wood admitted that he was far from saying that such an inquiry was undesirable. He was aware that those Gentlemen had guarded themselves against pledging themselves as to time, but they both admitted that inquiry was desirable. He pressed this matter upon their Lordships' attention, because these opinions admitted that the present system had been tried and failed. The Act of 1844 had not worked well. It had failed alike in preventing over-speculation, and had proved inefficient when the danger had arisen. Under its operation there had occurred the most serious commercial crises, and the greatest fluctuations in the rate of interest that had ever been known in this country. He would not go into the question of the country banks, or into the subject of the Scotch and Irish banks, but would confine himself solely to the case of the Bank of England. By the Act of 1844 the Bank was authorised to issue £14,000,000 in notes, on the security of the debt owing to it by the State, unrepresented by gold in their coffers, and every note which they issued beyond that sum had to be represented by gold. The banking and issue departments were divided just as much, according to the statement of the Governor before the Committee of 1848, as if one were in Threadneedle Street and the other at Whitehall; and thus the gold in the issue department, to answer the notes in circulation over and above the £14,000,000, was unavailable for any of the requirements of the banking department. One of the clauses in the Act empowered the Directors of the Bank to issue notes to two-thirds the amount which had been issued by country banks ceasing to be banks of issue, and this clause had been acted upon to the extent of nearly half a million, thus making the authorised issue to amount to £14,500,000. The Directors were expressly told by the promoters of the Act that they were to consider themselves merely as bankers; that, as such, they were to look to their own interest only, without any reference to the affairs of the State. On the one hand, they were to keep gold in their coffers sufficient to represent the issue of notes above £14,000,000; and on the other, they were obliged, in justice to their own interests and those of their constituents, to make the best profits they could for their capital. Accordingly, when gold became plentiful, they lowered the rate of interest in order to get their notes out amongst the public; and when it became scarce they raised the rate of interest in order to retain it. The faults of the present Act were not mere matters of theory, for he had in favour of his arguments the results of several years' operation of the Act of 1844. During the last eleven years there had been no less than forty fluctuations in the rate of interest, which had varied from 2 to 8 and 9 per cent; whereas, during the previous century there had been hardly any fluctuations at all, and these of a very trifling nature. He regretted to say, too, that those fluctuations, instead of being on the decrease, appeared to be on the increase; for during the last four years there had been no less than eighteen fluctuations; while even within the last year there had been eight. At the commencement of the railway mania, previous to 1847, the rate of discount was only 2½, 3, and 3½ per cent, and this low rate greatly encouraged over-speculation. The result was of course such a drain on the Bank for gold, that in 1847 the amount of that metal left in the banking department was considerably under £2,000,000. So great was the pressure at that time that the rate of discount was raised to 8 and 9 per cent; and they had it in evidence from Mr. Samuel Gurney that even his solvent house had to pay 9 per cent for an advance of £200,000; and such was the panic, that Mr. Horsley Palmer told them in evidence, that had the Bank at that time endeavoured to lessen its difficulties by a sale of Consols, to the extent of £2,000,000, these securities would have gone down to £60. Undeterred by this experience the Directors, when money again became plentiful, in 1852, reduced the rate of interest to the ridiculously low rate of 2 per cent. The same result followed this proceeding; and there was again a drain of gold, followed as before by the raising of the rate of discount, which was so high last year that there was very great commercial difficulty, and numerous bankruptcies occurred. However, much as he objected to the lowering the rate of interest to a ridiculously small figure, he should admit that under the present system it was absolutely necessary to raise the rate of interest when gold became scarce; there was no resource but "to put on the screw," and let them see what "putting on the screw was." To the Bank it was a measure of commercial policy; but to the country it was a measure of ruin. The Governor of the Bank of England in 1848, said—

> "The means of getting back the gold is by making money dear, and causing a fall generally in the price of commodities, which will bring back gold. Prices will fall in consequence of the increased value of money."

The effect, therefore, of putting on the screw was, not only to overthrow houses that were tottering, but to depreciate, perhaps one-half or more, the entire property of the country. And this, very often, not because of any undue speculation, but because of the act of the Bank itself fostering speculation by lowering the rate of interest. The Act of 1844 had also falsified the predictions of its promoters in another point. The noble Lord opposite (Lord Overstone) one of its chief promoters, and generally supposed to be its author, upon the question of the note circulation keeping pace with the increase or decrease of gold, said—

> "The issues of the Bank of England will, under the provisions of that Bill, be made to conform strictly to the fluctuations of the bullion. Thus it appears that the contractions of the circulation in correspondence with the decrease of the bullion is the only measure that can afford effectual security for stopping the drain of bullion."

Now, no doubt, the amount of notes in circulation was regulated by the amount of gold in the Bank; but the anticipation of the noble Lord had not been fulfilled; because in 1847, when there were £9,000,000 of gold in the Bank of England, there was within a fraction the same amount of notes in circulation as in 1846, when there were £16,000,000; in 1852 there was a note circulation of £22,000,000, with £19,000,000 of gold; in the end of 1853 there was a note circulation of £24,000,000, with £15,000,000 of gold; in the early part of 1855 there was a note circulation of £20,000,000, with £18,000,000 of gold; and in the October of that year there was a note circulation of £21,000,000, with only £11,000,000 of gold. He thought that, whether their Lordships agreed with the Motion or not, they would agree in thinking that he had made out a fair case, showing the propriety, if not the necessity, for a searching investigation into the matter by the most competent tribunal that could be obtained. He had troubled the House with no opinions of his own; he had brought forward no theory; but had stated only undeniable and incontestable facts. It was a fact that could not be disputed, that during the last eleven years there were in this country greater fluctuations in the rate of interest than during any similar period before the passing of the Act; it was a fact that the greatest over-speculation ever entered into had been carried on since the passing of that Act; and it was a fact that the greatest monetary crisis that had ever arisen in this country had happened under this Act. It was admitted by even the warmest supporters of the Act of 1844 that some inquiry into its operation was necessary. It might be said that though it was not altogether effectual, it would be difficult to suggest anything better. Now, he thought that if the Act of 1844 were to be preserved there were many points in which it could be improved, though he thought it would be better to abrogate it altogether. If the Act were to be retained, he considered that a great benefit would be effected by enlarging the circulating power of the Bank of England by permitting it to issue £1 notes. It was urged that as much gold as it was possible to retain should be kept in the Bank, in order to insure the convertibility of these notes. No man could be more impressed than he was, of the necessity of providing for the convertibility of Bank notes into gold; but by prohibiting the Bank of England from issuing small notes they forced into circulation every day a number of millions of sovereigns, which would remain in the coffers of the Bank if they allowed it to issue £1 notes; these notes would circulate on the security of the gold without increasing the liability of the Bank; they ought to be issued upon the same footing as the larger notes; they should be a legal tender and convertible into gold. It was the generally received opinion that the Bank of England was, in 1825, saved from a great difficulty by the issue of £1 notes. Many of their Lordships would recollect, that in 1848 Lord Ashburton stated in conversation in the Committee that having been (in 1825) called in to advise the Bank in their difficulty, he was one of those who recommended an issue of £1 notes, and that he did not know what would have been the consequence, but for the fact that they accidentally happened to have about £2,000,000 of these notes in their safe. One of the objections to those small notes was, that they would increase the number of Bank-note forgeries; but he could not understand why they could be more easily forged than notes of a larger amount. It had not been the case in Scotland, where they were in circulation. Again, it was urged that the feeling of the people was against them. He again pointed to Scotland; and he asked noble Lords acquainted with that country, was it not a fact that the Scotch not only preferred notes to sovereigns, but had a distrust of gold? There was no doubt at all of the fact, and the reason of it was, the people knew that however dirty or defaced a £1 note might be, it represented 20*s*., while a sovereign might be light. In 1826 and 1828 there was no feeling in the minds of the people of England against those notes. So far from that being the case, the Ministers of the day themselves declared that the people all preferred notes to gold. In 1828 there was an Act passed (7 *Geo*. IV), by which, under a penalty, Scotch notes were prohibited from being circulated across the border; for these notes, though not in this country a legal tender, had found their way across the borders into Lancashire and Yorkshire. Another point in the present system might be advantageously changed without infringing upon the main principles of the Act—he meant the constitution of the Bank direction. The management of the affairs of the Bank was entrusted to a Governor, a Deputy Governor, and twenty-four Directors, elected annually; the Deputy Governor always succeeding to the governorship, and eight of the Directors being ineligible for re-election till the next year after that succeeding their year of office. He thought it objectionable, that eight of the Directors should be turned out of office just when they were beginning to know something of their business, and should be "sent to grass" for a year to forget it. He was also opposed to the system by which matters of great importance to the country and the Bank were decided by a mere majority of the Directors. He thought there should be some sort of Government inspection or control; and in that opinion he was borne out by very high authority, indeed—the evidence of Mr. Glyn and Mr. Browne before a Committee of the House of Commons in 1848. The Bank of France was conducted on that principle of Government control, and he believed very well conducted. There were in connection with that establishment, a Governor and two Deputy or Sub-Governors, and those two officers were appointed by Government, and received a large salary, and their offices were permanent. He did not quarrel with the system of raising the interest when gold was scarce, because, as he had before observed, he believed that under the Bank Act of 1844 it was unavoidable; but he deprecated the unduly low rate of interest to which the Bank resorted when money was plentiful. He believed that the difficulties of 1847 had, to a very great extent, been brought on by the lowering of the rate of interest the previous years to 2½ and 3 per cent. He held that the Bank of England ought to be either a State bank, or altogether separate from the State. If it were a State bank, it ought to be under Government supervision, and ought to be conducted with reference to the interests of the country. He would also be disposed to resort—though on this point he spoke with some doubt—to some minimum rate of interest. Previously to the Act of 1844 the fluctuations had been very few, and the rate had seldom exceeded 4 or 5 per cent. Another measure of improvement would be raising, by a mere stroke of the pen, the amount of notes which the Bank was authorised to issue over and above the amount which must be represented by gold. It was clear that if, in 1844, £14,000,000 in these notes were not considered more than sufficient for the then wants of the country, that amount could hardly be sufficient now, when, as compared with 1844, it had advanced so much in population and wealth. Much would be done in the way of avoiding fluctuations in the rate of interest, if the circulation of those notes was extended from £14,000,000 to £18,000,000 or £20,000,000, or some amount that would meet the present demands of the country. He disapproved of the main principle of the Act of 1844—by the main principles he meant the restrictive clauses, and the separation of one department of the Bank from the other—and coincided in what was said by Mr. Tooke in the conclusion of his pamphlet on the "Bank Charter Act." Mr. Tooke said—

> "That the greater or less liability to variation in the rate of interest constitutes, in the degree next only to the preservation of the convertibility of the paper and the solvency of banks, the most important consideration in the regulation of our banking system. That a total separation of the business of issue from that of banking is calculated to produce greater and more abrupt transitions in the rate of interest and in the state of credit than the (present) system of union of departments."

No man, however bigoted an advocate of a metallic currency, would say that the Bank ought to be deprived of the power of issuing any notes whatever that were not represented by gold. If England had been governed upon such principles for the last two centuries she would now be a small third-rate State, and if they were adopted now universal ruin would ensue. There could be no doubt about the expediency of issuing notes that were not actually represented by gold in the coffers of the Bank, and the only doubt was as to the limit. For himself, he objected to naming a particular amount of notes beyond which no issue should take place, because whenever there was a prospect that that amount would be reached, distrust and discredit began. He believed there would not have been half so severe a crisis in 1847, if the Bank had had the power of dealing with the £9,000,000 of gold which it then possessed. In the last year when there were great difficulties there was £12,000,000 of gold in the Bank of England, which would have warranted a larger issue of notes, and would greatly have relieved the pressure. If the provisions of the Act of 1844 regulated the proceedings of the Bank of France, instead of now meeting all its engagements, and having a stock of £8,500,000 of gold in its coffers, the Bank of France would be £2,000,000 *minus* in its banking department. Within the last four years there had been only two changes in the rate of interest charged by the Bank of France, while within the same period there had been eighteen changes in the rate of interest charged by the Bank of England. The late Lord Ashburton, in his evidence respecting the Bank of France, said—

> "There has been at no time any suspension of its payments, or any material difficulties of any kind; and it seems to have answered perfectly well the object for which that Bank, like our own, was instituted—namely, as a bank to give proper facilities to the circulation and commerce of the country, and at the same time to be the bankers of the Government, and to give every proper and legitimate facility to the operation of the Government."

In conclusion, he would observe that, although he would rather have inquiry by Committee than no inquiry at all; yet, as it was almost impossible to separate the subject from the influence of party feeling, he thought the appointment of a Royal Commission would be the preferable course. He would not presume to name the Members of the Commission, but would humbly suggest that persons should be selected who were not pledged to any particular views on the question. He would therefore move—

> "That a humble Address be presented to Her Majesty, praying Her Majesty to issue a Royal Commission to inquire into the Operation of the Laws which regulate the Currency of the United Kingdom."

The Earl of HARROWBY, who was very indistinctly heard, said, that it was the intention of the Government, as had been stated by the Chancellor of the Exchequer in the other House, to appoint a Committee to inquire into the operation of the Bank Act of 1844 before any revision was attempted in the present arrangements. He admitted that there were some subjects more fitted to be inquired into by a Commission than by Committees of that or the other House; but he considered this was an inquiry peculiarly belonging to the Houses of Parliament to undertake. He did not think it desirable to enter into any discussion of the points suggested by the noble Earl, but would merely say that it was the opinion of the Government that inquiry should be made before notice was given to the Bank to terminate the operation of the Act of 1844.

The LORD CHANCELLOR said, that according to the rules of the House, the noble Earl (the Earl of Eglinton) should have given notice of a Motion so important as this, but the notice put on the paper by the noble Earl conveyed no idea of such a Motion as that now before the House.

The Earl of EGLINTON said, he would not press his Motion if there was any irregularity in it; but he thought he had a right to expect something more satisfactory from the Government than the statement of the noble Earl opposite.

The Earl of HARROWBY said, he thought that after the statements made on previous occasions by other Members of the Government, there was nothing in the noble Earl's statement requiring observation on his part, except his preference for inquiry by Royal Commission rather than by Committee. On that point he had expressed his opinion. He thought, indeed, that a Commission would only add to the investigation, and would not supersede inquiry by Committees of both Houses.

The Earl of DERBY said, that as he understood his noble Friend (the Earl of Harrowby), he stated that the Chancellor of the Exchequer had in another place given it as his opinion that there should be an inquiry into this Act of 1844 by a Committee. His noble Friend who brought forward this Motion proposed an inquiry under a Royal Commission in preference to an inquiry by a Committee of this or the other House of Parliament. He stated that a Royal Commission appointed by the Crown would be above all party considerations, and would, therefore, be a more efficient tribunal of inquiry; and, in support of this proposition, he alluded to the fact that two Parliamentary Committees had arrived at opposite conclusions on this subject. Now, he (the Earl of Derby) thought the important question was—what was the intention of the Government with regard to inquiry at all? As he understood it, the answer of the Government was that an inquiry would be desirable at the proper time and in the proper mode; but had they not a right to ask—when will the proper time arrive, and what will be the proper mode? The term of the Bank Charter had expired—that was, it only existed subject to the power of the Government to terminate it on twelve months' notice. Now, it might be extremely desirable that the Bank should not be left in that condition; and it would be very well that the conditions of any new Charter should be deliberately considered by the Government. His noble Friend opposite (the Earl of Harrowby) said, "We do not intend to give notice of terminating the Bank Charter this year; but when we give notice we will have an inquiry." Surely the proper time for inquiry would be before the Government gave such a notice. Whether the inquiry be by Royal Commission or by Committee, it was clear that it ought to precede this notice; for the inquiry would be as to whether the Charter of the Bank, as it existed under the Act of 1844, should be terminated or renewed? As his noble Friend did not intend to press his Motion, he of course had nothing more to say on the subject. He thought, however, that they had a right to expect from the Government a more distinct declaration of their opinion as to the working of the Act of 1844, and more definite information as to the course they intended to pursue, with regard to instituting an inquiry into its operation, in order that the country might deliberate and fully consider and judge of the question before the Government proceeded to negotiate with the Bank.

The Duke of ARGYLL said, that the noble Earl had unintentionally somewhat misrepresented the opinion expressed by the Chancellor of the Exchequer in the House of Commons, and repeated in that by the noble Lord behind him (the Earl of Harrowby). The Chancellor of the Exchequer distinctly announced that the Government had no intention of making any change in the Bank Charter Act of 1844; but he added that, if any hon. Gentleman was extremely anxious for inquiry into the subject, the Government would not be disposed to throw any impediment in the way. The Chancellor of the Exchequer did not say that inquiry was desirable, but that it might be demanded. Such was the gist of his speech, and he was certain it was all he intended to say. If the Government had made up its mind to alter the Bank Charter Act, it would have been its duty to move for an inquiry. But the intentions of the Government were precisely the opposite. Yet the Government, as had been already stated in the other House, and also in this, would not be disposed to stand in the way of any proposition for inquiry which might be made by a Member of either House. The proposal of the noble Earl (the Earl of Eglinton) was, however, of a very different character; because, if the Government were to issue a Commission, it would intimate that they were dissatisfied with the present state of the law, and attributed to it evils which they wished to remedy. But that was not the case. Such had been the statement of the Chancellor of the Exchequer in the other House, and of the noble Lord behind him in this; and he thought their opinion, as stated, carried reason upon the face of it.

The Earl of DERBY said, that unless he had entirely misunderstood what fell from his noble Friend (the Earl of Harrowby), he began by admitting that inquiry, at a proper time and in a proper mode, was desirable.

The Duke of ARGYLL: At the proper time.

The Earl of DERBY: What did the noble Duke mean? If he was to take him to be the exponent of the Ministry, the Government had made up their minds that an inquiry was not necessary, because they had no intention of altering the Charter; while the noble Earl (the Earl of Harrowby) said that there should be an inquiry at the proper time. Then, what were they going to do? Were they prepared to renew the Bank Charter as it stood? Did they think it was desirable that that Charter should go on from year to year, with a perpetual liability to be put an end to at the expiration of twelve months? Was no fresh arrangement to be made between the Government and the Bank? If this were the intention of the Government, it seemed to him very like an intention to tide a difficult question with which they did not know how to deal, and to throw upon others a responsibility which ought to fall upon themselves.

THE DUKE OF ARGYLL said, that it was the intention of the Government to "tide" over a difficult question because the present was a time most unsuited for dealing with it.

EARL GREY said, that if there were to be an inquiry, he did not see how there could be any time which would be better for that inquiry than the present. By the Act of 1844 there was a time fixed before which the Bank Charter could not be revoked, and beyond that period the Act gave to the Bank an indefinite tenure of its privilege terminable twelve months after the giving of a certain notice. The fixed period was now passed, and we could never get any nearer to the actual termination of the Bank privileges until the notice had been given. He could have understood the Government saying that the Act of 1844 had worked perfectly, and that, therefore, no inquiry was necessary; or that that measure was an incomplete one and required amendment; that, therefore, they proposed to inquire, and that the earlier the inquiry was commenced the better. Although he differed from the noble Earl opposite (the Earl of Eglinton) as to the faults which he attributed to the Act of 1844, he was ready to admit that that Act was imperfect, because it did not carry to their full extent the principles on which it was founded, and, therefore, he believed that an inquiry into its operation would be a very proper measure. He was, however, quite at a loss to understand the line now taken by Her Majesty's Government. They said that inquiry was desirable at a proper time and in a proper manner, but he could not conceive how there could be a better time than the present. He thought also there was much soundness in the arguments used by the noble Earl opposite (the Earl of Eglinton) as to the advantages possessed by an inquiry by a Royal Commission over one by a Committee.

LORD RAVENSWORTH said, that public attention was greatly excited upon this subject, and men of great ability were lecturing upon it through the country. In Newcastle-upon-Tyne a very able lecture had been given, which was followed by a petition, signed by the mayor and the most eminent merchants of the town, and presented to both Houses of Parliament, in favour of an inquiry. He thought that the proper time had arrived for the Government to enter upon this inquiry.

Motion, by leave of the House, *withdrawn.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 7, 1856.

MINUTES.] PUBLIC BILLS.—1° Medical Qualification and Registration; Partnership Amendment (No. 2).

CUSTOM-HOUSE BONDS—THE PEACE—QUESTION.

MR. THORNELY begged to ask the Secretary of the Treasury whether, a Treaty of Peace having been signed at Paris, the Bonds required to be given at the Custom-houses on the exportation of iron and of certain other manufactured articles might not now be dispensed with? He also wished to know whether all bonds already given could not be cancelled?

MR. WILSON said, that though, as the hon. Gentleman and the House were aware, the signature of a treaty of peace did not, strictly speaking, put an end to a state of war, that proceeding being merely an undertaking that the war should be concluded conditionally on the ratification of the treaty, still the Government could not perceive that any useful object could be attained by continuing to require bonds on certain articles of exportation, including particularly machinery and certain descriptions of manufactured ironwork. To-morrow, therefore, it was intended to issue an order to the Commissioners of Customs not to require bonds on the shipment of these articles any longer. With regard to gunpowder, arms, and munitions of war, bonds would continue to be taken for the present, but he hoped it would only be for a few days longer. With regard to the cancelling of bonds which had been already given, it was obvious that that would be a most imprudent course to pursue, because it could not be known whether many persons might not have been shipping goods professedly for one part of the world, but which were in fact to have gone to the enemy in other parts of the world, and the Government would insist on all bonds already entered into being continued until they should lapse in the usual manner.

THE DISEMBODIMENT OF THE MILITIA —QUESTION.

Mr. HUME begged to ask the Under Secretary for War whether it was true that an order had been given to suspend the issue of clothing to the Militia Regiments of Ireland; and, in the event of such being the case, whether that step had reference to the force being disbanded. or in any way reduced, upon the ratification of peace.

Mr. FREDERICK PEEL said, a circular had been sent to the commanding officers of militia generally, and not merely in Ireland, to suspend the issue of clothing to the militia for a time. But, upon consideration, a different decision had been come to, and the issue of clothing was authorised in the usual manner. As the embodiment of the militia had taken place in consequence of the breaking out of the war, now that peace had been restored, early measures would be taken to disembody them.

Colonel DUNNE asked if the hon. Gentleman was aware whether the clothing had ever been sent to the regiments?

Mr. FREDERICK PEEL: Yes; it has.

SUNDAY REVIEWS IN THE CRIMEA—QUESTION.

Captain STUART begged to ask the Under Secretary for War whether the attention of the War Office had been called to the fact of there having been large reviews of the British Army in the Crimea on Sundays, by which the troops had been prevented from attending divine worship and enjoying a day's rest?

Mr. FREDERICK PEEL said, that reviews of troops in the Crimea appeared to have been held on two Sundays this year, once in February and once in March; but he was not aware of the reasons which induced General Codrington to order them on the Sundays. Of course the holding of parades on Sundays generally would not meet with encouragement from the Government.

FOREIGN TROOPS IN THE ENGLISH SERVICE—QUESTION.

Mr. OTWAY begged to ask the Under Secretary for War what was the number of the foreign troops at present in the pay of this country, and also what were the future intentions of the Government with regard to those troops? He wished to know whether it was intended to disband the Turkish Contingent, or to transfer it to the service of the Sultan. As regarded the German Legion, would they be encamped in this country or be sent to any colony; and if to any colony, what colony would it be?

Mr. FREDERICK PEEL said, the number of foreign troops in the English service was about 40,000. With regard to the Turkish Contingent, he thought it probable they would be retransferred to the Turkish service; as to the German or other Foreign Legion, no decision had been come to as to their future destination, but of course it was not intended to keep them on foot for any considerable time.

SUPPLY—BILLETING IN SCOTLAND.

Order for Committee read.

Motion made, and Question proposed, "That the Speaker do now leave the Chair."

Mr. COWAN rose to move the Motion of which he had given notice, namely—

> "That in the opinion of this House the practice of billeting soldiers of the Militia and of the Line, in Scotland, upon private families, is injurious to the comfort and discipline of the men, as well as oppressive to the people; and that it is the duty of the Government to take means permanently to abolish the grievance."

The hon. Member said that in bringing this subject under the notice of the House it was necessary that, in the first place, he should state what was the existing practice in this matter. In the Mutiny Act of England and Ireland victualling houses were distinctly specified as those alone on which officers and soldiers could be legally billeted. By the Mutiny Act of Scotland, however, it was provided that billeting should take place "according to the law of Scotland as it existed before the Union." Now, even if the practice which prevailed was perfectly legal at the time of the Union, it was equally clear that in the altered state of the country it should not be allowed to prevail any longer. The law on the subject, as it existed before the Union, was vague and uncertain, and he very much doubted even the legality of continuing the state of things which obtained at that period down to the present day. At that period Scotland might be considered to have been a semi-barbarous country; it had long been engaged in bloody strife with England, and scarcely any taxes were paid—the services of the subject to the Crown being chiefly of a personal nature. But even if it were held to be strictly legal—which he did not, for he denied that there was anything in the Scotch Acts about billeting upon private families, especially in the Act of 1689—he (Mr. Cowan) maintained that it was quite unconstitutional, and on that ground he claimed the sympathy of the House for the complaints of the people of Scotland on the subject. There was the greatest variety in the modes of billeting in the several towns of Scotland; in some of these towns—Glasgow, for instance—houses of £3 rental were liable to receive one or two soldiers, while in other towns, houses of £5 only were liable. Those who distributed the billets had no check imposed on them, and the people of Scotland were, therefore, under a despotism in the matter. In fact, the amount of favouritism, and, in some cases, of oppression, created the greatest possible irritation. In Paisley, for example, 50,000 persons inhabiting houses of a certain class were exempt from the obligation of receiving billets; while the whole burden fell upon 10,000 people inhabiting other houses—a small minority of the population. He had presented a petition this day from two persons, named Pinkerton and Stewart, complaining of hardship and of partiality in regard to the billeting system, who, though they had sought redress, had not found it. The costs of these persons was in one case £24, and the only consolation they got was from an official of the court of quarter sessions, to which they had appealed—namely, the information that "they were victimised in order that other people should submit quietly." He (Mr. Cowan) was enabled to state that the billeting system was a grievous infliction upon private families. In Dalkeith he had been informed the soldiers, in some cases, had brought disease and filth into families on which they had been billeted, and their language in the presence of females was foul and gross beyond expression. Every family would be glad to get rid of the liability to billeting, except, perhaps, the very poorest in the community, to whom the miserable pittance of 1½*d.* a night allowed for the soldier's lodging might be an object, to enable them to pay their rents. There had been cases of billeting upon a family who had but one room, when the four children of the man and wife were obliged to leave their cot and sleep on the floor that the soldier might have a bed. There were various families who had only two or three rooms, one of which they had been obliged to give up to the use of the military. The hon. Member read several communications, to show that small families were much inconvenienced by the practice of having to billet the military. He felt much for the humbler classes; but if any good was derived by the soldier, something might be said in favour of the system. But the system was equally disadvantageous to the soldier. The billets were almost universally unwholesome and otherwise objectionable. Was there, therefore, any good reason why such a system should be maintained in Scotland? It was impossible that the military could present the same soldier-like appearance on coming out of these billets as they would do were they maintained in barracks. The mischief also extended to the higher ranks, many of whom had performed their duty so nobly to their country. He referred to the Lord Lieutenants, and particularly to a noble Duke (the Duke of Buccleuch), whose large possessions gave him almost the power of an autocrat in his district. He was aware this noble Duke had been most unjustly made the victim of much obloquy and odium arising from the system of billeting. For these reasons he thought the Government would do well to take up the case immediately with a view to an immediate remedy. It was of the highest importance that a good understanding should prevail between civilians and their gallant defenders, but the billeting system seriously endangered that good understanding. An Englishman's house was considered to be his castle; he demanded for Scotland the same right, and, if not conceded, he hoped a little gentle compulsion would be brought to bear upon Government. £2,000,000 had a few days since been voted for barracks, and yet not one farthing was allowed to Scotland for that purpose. He would therefore move the Amendment of which he had given notice.

Sir ANDREW AGNEW, in seconding the Amendment, mentioned a glaring instance which had occurred in the small town of Newtonstewart, in Wigtonshire, a place of 3,000 inhabitants, where the militia of two counties, ever since its embodiment, for a period of nearly fourteen months, had been continually billeted. He thought some compensation was due to the inhabitants of that place, especially since the Government had expressed an intention to expend a considerable sum in building suitable barracks there, which had not been done. A very small part of the sum which Government had been willing to devote to that purpose would be a great boon to the inhabitants divided amongst them.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"In the opinion of this House, the practice of billeting Soldiers of the Militia and of the Line in Scotland upon private families is injurious to the comfort and discipline of the men, as well as oppressive to the people; and that it is the duty of the Government to take means to abolish the grievance," instead thereof.

MR. BAXTER said, that one of the burghs which he represented was now paying at the rate of £600 a year for the quartering of only the depot of the Forfar and Kincardineshire Artillery. Before the removal of the principal portion of the regiment to Fort George, the inhabitants paid a tax much greater in amount. Since peace had been concluded the Government might not feel disposed to continue the embodiment of the militia; but, if they should, some other plan must be devised for housing the men. The present system was utterly destructive of all military discipline, and inflicted a burden too grievous to be borne upon a small section of the community, for purposes which were national. He did not think that the rural population of Scotland would longer submit to have the sanctity of their homes violated by men who were often chosen from the dregs of society, when no necessity could be shown for it, and when a remedy might easily be adopted.

MR. FREDERICK PEEL said, that the termination of the war, it was evident, would put an end to all that could be considered as of real consequence in this matter. Undoubtedly the system of billeting had been felt to be attended with pressure, but this was owing to the militia being embodied, and the Government being under the necessity of placing them in the principal towns of their respective counties, whilst arrangements were making for the formation of those large encampments in different parts of the country, to which they were to be removed. Now, if the pressure of the system of billeting had been entirely owing to the embodiment of the militia, it must follow that on the conclusion of peace the grievance would practically cease to exist; because, although it did not necessarily result that by the war coming to an end the militia would be *ipso facto* disembodied, and although the Crown was competent to maintain the militia still in an embodied condition, notwithstanding the termination of the war, there could be no doubt that the militia would not be kept up in an embodied state when the circumstances of the country should have rendered its maintenance no longer necessary. Therefore the grievance, whatever it might have been in the last two years, had ceased to have any practical existence at the present moment. But he must say that the Government had not omitted to make exertions to reduce the amount of this grievance. He believed the quota of the embodied militia, whom the Government might billet in Scotland, was upwards of 10,000 men; yet at the present time there were certainly not 2,000 men of the militia in billet throughout the whole of Scotland. It was impossible, therefore, that the billeting of so small a number should bear very oppressively on the people of Scotland. But the hon. Gentleman's Motion was not limited to the militia, but applied to the regular forces as well. It was true that the barracks were generally sufficient to accommodate the regular forces; but in Great Britain they were to be found only in particular points along the coast, or in the centre of military districts, and not as in Ireland, scattered over the whole country; and when the Government had occasion to move the troops from one part of the country to another, then, unless they could be taken in one day direct from one barrack to another, they must be accommodated with quarters at the place where they might be obliged to stop at nightfall on their journey; and on such occasions, if the Government were not to be allowed to make use of any buildings which were not their own property, they would be deprived of any resources or means of accommodating the troops. It was impossible, therefore, for the Government to dispense with billets in moving the regular forces throughout the country. The recruiting parties also must necessarily be dispersed throughout the country, and not confined to barracks; and the recruits, when they came in, billeted until they could be brought to headquarters. Again, it should be remembered that the militia was a county force, which the Government had the power to call together in the event of war impending, or of any disturbances in the country; but that force would be of no value whatever if the Government had no power to place it in billets. It could not be recommended that the Government should provide, in every county, permanent barracks merely to meet the contingency of its being necessary, upon some particular occasion, to call the county force together; and it was therefore indispensable that the Government should retain the power of placing them in billets when necessary. No doubt there was a distinction between the system which prevailed in this country and the system in Scotland. In this country the troops were quartered exclusively on the innkeepers and stable-keepers, but in Scotland they were quartered on private families generally, excepting certain specified classes. But this difference was owing to a provision of the Act of Union, which prescribed that the system of billeting then in force in Scotland should continue, and by which therefore the Government was prevented from assimilating the law of Scotland to that of England. But he (Mr. F. Peel) must say that if he were asked whether, in the abstract, the system of this country or that of Scotland were the juster one, he should be rather inclined to give the preference to the system of Scotland; because it did appear to be somewhat unjust that a national burden should be placed on a particular class of Her Majesty's subjects, when there was no reason why it should not bear equally on all. Perhaps, therefore, in the abstract, the law of Scotland would appear to be more just; but he admitted that in practice the system in Scotland was attended with grievances which it would be desirable to get rid of, if Government had the means of doing so. But when the hon. Gentleman recommended that the liability should in Scotland be transferred from the community generally to one particular class, he ought to be prepared to show that if such a change took place, the Government would still have the means of accommodating the troops; whereas he (Mr. F. Peel) imagined that it would be found, if any particular class were marked out in Scotland for the liability to have troops billeted on them, that such a class was, in that country, not sufficiently numerous to accommodate the required number of soldiers. He could not, therefore, agree to the hon. Gentleman's Motion.

Sir JAMES FERGUSSON observed, that petitions against this grievance had been repeatedly presented, and that the complaints of it had been silenced during the war by appeals to the patriotism of the Scotch people; but now the war was over, they were told that the militia was about to be disbanded, and that the nuisance, therefore, would no longer exist. Scotch Members were, therefore, right to press the subject now, although the war was at an end, in order to prevent Scotland, if the war should unfortunately again occur, from being placed in the same unfortunate position in which she was at present. The hon. Gentleman, the Under Secretary for War, had urged, also, that the number of the militia billeted in Scotland was only 2,000. The fact was that the militia regiments in Scotland were not up to half their strength, and, consequently, the grievance was only one-half what it might be. The circumstances in which the Act of Union was passed were very different from the present. Scotland was then in a very disturbed state, a great part of the inhabitants of the country being hostile to the existing Government, and therefore it was absolutely necessary at that period for the Government to have power to quarter troops in private houses, so as to have the means of suppressing any riot or insurrection anywhere. But there was no reason why such a system, which was established a hundred and fifty years ago, should continue to exist now. Although, as the hon. Under Secretary stated, the militia would be disembodied at present, it was probable they would be called out for twenty-eight days' training every year, when the families of the humbler class would be subjected to having those men quartered upon them. He hoped, therefore, that the hon. Member for Edinburgh would not withdraw his Motion, unless a distinct pledge were given by the Government to provide barracks in Scotland, when the public finances should admit of it, so that this grievance might no longer be inflicted on the people.

Mr. W. EWART said, he was aware that the hon. Gentleman the Under Secretary for War had received many memorials on the subject now under consideration, and that the grievance had been strongly represented to him by the Scotch Members, and he therefore had hoped to have heard him both acknowledge the existence of that grievance, and propose the remedy for it. But in the course of a rather long speech the hon. Gentleman had evaded the entire question, and it was not until he came to the close of that speech that he had at all touched upon it. Now, what was complained of was, that there should be one law to regulate billeting in England and Ireland, and another in Scotland. The poorest person in Scotland was liable to have soldiers forced upon him and his family, contrary to all notions of morality, while in England and Ireland no such thing existed. As it seemed that no hope of a remedy for such a state of things was to be expected from the hon. Gentleman, he would turn to the noble Lord at the head of Her Majesty's Government, and he hoped that his appeal would not be in vain, as the grievance complained of was one contrary to the principles of morality and justice. Sheriff Barclay, who had written a digest of the laws of Scotland, expressly laid it down that the present law required alteration, and should not be allowed to exist; and he hoped to hear the Lord Advocate similarly express himself, for it was not only a grievance to private families, but also a grievance to the army itself, which could not well be prepared for war while lodged in private houses, instead of being quartered in barracks and encampments.

Mr. JOHN MACGREGOR regretted that any allusion should have been made to the Treaty of Union of Scotland with England. Since that period two rebellions had occurred in Scotland, but the memory of which the loyalty of the people had subsequently effaced. During, however, such a period it became necessary to adopt a different system in Scotland from that which prevailed in England and Ireland. But at the present time nothing was more obnoxious to the people of Scotland than the billeting system in that country. Although he could not expect the system to be immediately altered, yet he did hope that it would be ultimately changed, and assimilated to that which was pursued in England and Ireland.

Mr. ELLICE said, he was quite aware of the pressure of this grievance on Scotland; but the House should consider how any attempt to remedy it would affect England, and how it would affect the public purse of the United Kingdom. In this country, if barracks were built for the militia, the expense would fall upon the counties; but it would be no such easy matter to provide barracks, so far as the militia were concerned, unless Scotland were prepared to take the matter upon herself. But the grievance, such as it was, was, as the Under Secretary for War had justly stated, at present nearly at an end. There had been a great pressure during the last year, from the sudden emergency which had come upon the country. That emergency had now ceased to exist, and the hon. Gentleman (Mr. Cowan) might therefore wait with patience until the Government should come forward and state the general principles on which they designed to maintain the military force in time of peace. The House had voted enormous sums of money during the last year for barracks in England or Ireland, and no account of that expenditure had yet been laid before them, nor any definite plan for the accommodation of the military force. In Ireland, most extensive buildings were being erected on the Curragh, including, as he was informed, two churches; and the same thing was going on at Aldershot. The House should be careful, then, how they encouraged any proposition to incur large expenditure to remedy every little grievance of this kind, until they were informed by the Government, as no doubt they would be as soon as the ratifications of the peace were exchanged, of the principles of the system to be established permanently for lodging the military forces of the country. This very Session, in the anticipation of the war continuing, large sums of money for such purposes had already been voted. He trusted, therefore, that the Government would be in no hurry to give assurances that they would build more barracks in particular situations throughout the country, in order to relieve the inconvenience that might still be felt from billeting soldiers while on their march from one place to another. There could no longer be any necessity for the permanent billeting of the militia, as he supposed it would be soon disembodied and put on the peace establishment. He had thought it necessary to put the House upon its guard with reference to this Motion.

Viscount PALMERSTON said, that the question which had been brought under the consideration of the House was one of large application, and that it was not only a question of policy, but one involving a consideration of the feelings and of the morality of a large portion of the community. He was quite ready to admit that it was undesirable, both in consideration of the effect on the troops themselves and in reference to the feelings and morality of the public, that the system of billeting should be maintained, or that soldiers should at any time be quartered otherwise than in barracks. But, as the right hon. Gentleman the Member for Coventry (Mr. Ellice) had just stated, barracks could not be constructed on a scale commensurate with the requirements of the service otherwise than at a great expense. The work would have to be done gradually, and great consideration should be bestowed on the selection of the localities in which such buildings should be erected. There was no denying that it was most essential, with a view to the efficiency of the service both in war and peace, that the barrack accommodation should be considerably extended in England, Ireland, and Scotland. The particular liability to which householders in Scotland were exposed of receiving troops on billet, dated, he believed, from before the Union. At all events it was not a new arrangement. Let the grievance be what it might, it was not a novelty; it was one of long standing, and, as it could only be removed by an alteration in the Mutiny Bill of next year, no good result could follow from pressing the present Motion to a Division. No doubt the operation of the billeting system was felt with peculiar severity in time of war; but, as peace had happily been now concluded, the militia would of course be disembodied, and the number of soldiers, of whatever description, quartered in Scotland, considerably diminished. Nor was he without hope that, as regarded that portion of the troops which would be permanently maintained in that country, some effective means would be devised to quarter them in a manner that would not occasion annoyance to the householders. It would be for the Government to determine how the militia might be disposed of during the twenty-eight days of their training so as to cause the least inconvenience to the householders. It would, perhaps, be advantageous to their discipline that they should be encamped. At all events, there were barracks and forts in Scotland, and it was important to consider whether it might not be possible by means of them to make such arrangements as would materially diminish the inconvenience and annoyance of the billeting system. He would suggest that the question should be left in the hands of the Government, who had an earnest desire to mitigate the grievance to as great an extent as might be consistent with the interests of the public service. It would be the duty of the Government, now that there was a prospect of peace, to consider what change could be made in the matter; and of course, when any arrangement had been determined on, it would be communicated to the House. He did not deny the existence of the grievance—on the contrary, he was sorry to be obliged to admit it. He regretted that the special service of the war had rendered it necessary, but it had been endured with patriotic equanimity by the householders of Scotland. With the reduction of our military establishments it would gradually disappear, and he hoped that means would ere long be discovered to effect its complete abolition.

Mr. DUNCAN said, he had expected that some hopes of an alteration of the system would have been held out by the Under Secretary for war. The grievance was one of forty years' standing; and even in Dundee, where there was ample barrack accommodation, and while there was a barrack master whom they paid for doing nothing, the militia were billeted through the town. He thought it was a great and spreading evil, not only disgraceful to the Government, but hurtful to the morals of the people. He hoped the hon. Member for Edinburgh would take the sense of the House on the question.

Mr. BLACKBURN said, he would remind the right hon. Gentleman the Member for Coventry (Mr. Ellice) that the English counties did not bear the expense of erecting the barracks required by the militia, and had only to provide barrack stores, a burden which was equally shared by Scotland; Scotland had, in addition, the billeting system in its most odious and intolerable form. He hoped that the hon. Member for Edinburgh would divide the House on his Motion, and show thereby the unanimity of the Scotch Members on this question; for, although the noble Lord had given them some slight hopes of an alteration, yet the language of the War Department was to the contrary, insomuch as the Under Secretary for War had argued that the billeting on private families was no grievance at all, but worked well, thereby leaving the House to infer that it might be advantageously extended to England. He therefore warned the

English Members to make common cause with the Scotch Members—if they did not, they might, at no distant day, be united to them in a community of injustice.

The LORD ADVOCATE said, he was far from denying that the practice of billeting on private families was destructive of the comfort of these families, and he believed it was injurious to the discipline of the troops—nay, more, he would admit that it was prejudicial to public morality and the peace of the neighbourhood; but still it was a totally different matter to say, as this Resolution said, "that it was the duty of Government to take means permanently to abolish the grievance" unless those means were pointed out. It did not appear to him that the House would make much progress in the matter by an abstract Resolution of this kind. They were all agreed that the practice of billeting on private houses was an evil, and the question was, what was the proper remedy. He did not think that an assimilation of the law of Scotland regarding billets to that of England would meet the case. No doubt in England the burden was borne by a class, and that in Scotland the evil was borne by the community in general; but if they removed this burden from the community to a class they would make it neither just nor sufficient. He thought the class might fairly complain, and he doubted whether in a country like Scotland they would find that the English system would work. If the war had continued, he had every reason to think that by providing, he would not say permanent, but temporary quarters, this evil might, to a certain extent, have been remedied. He believed that accommodation might be found for 3,000 of these men, if unfortunately another war should take place. He thought, therefore, the better course would be to withdraw the present Motion, and rest satisfied with the assurance of the Government, that they were sincerely desirous to make such an adjustment of the billeting system as would prevent real grievance to any class. He hoped hon. Gentlemen would be satisfied with having given expression to their feelings, and that they would now allow the House to go into Committee.

Mr. LAING said, he should support the Motion, and hoped the hon. Member would press the House to a division upon it. The grievance to which licensed victuallers in England were subject might be a very oppressive one, but it had this extenuating quality, that they were a class whose occupation it was to receive strangers, and, therefore, it was a wrong that could be measured by pecuniary considerations, and remedied accordingly; whereas morality, comfort, domestic enjoyment were all alike prejudiced by the practice that prevailed in Scotland of billeting soldiers upon private families. These were outrages which no money could compensate.

Mr. CRAUFURD said, he hoped the House would not be led away by the statements that had been made that, as the pressure of the war had been removed, the grievance complained of was remedied. All admitted that this was a grievance, and, now that the pressure of war had ceased, it was the proper time to turn their attention towards its remedy. He hoped the mover of the Resolution would not be led away by the statements of the Members of the Government, but that he would divide the House on it.

Mr. SPOONER said, that if he had had any doubts before on this question, the speech of the hon. Gentleman the Under Secretary for War would have removed them, and have induced him to vote for the Resolution. The right hon. Gentleman had not endeavoured to palliate or excuse the working of that system, which all appeared to condemn, but said that of the two systems, that adopted in England and that followed in Scotland, the latter was to be preferred. All the other Members of the Government had admitted that the Scotch billeting system was injurious to the discipline of the army, and infringed the comfort and happiness of private families, and, had they promised the House that the question should shortly be considered with a view to a remedy, he should have suggested the withdrawal of the Resolution; but as that had not been done, he hoped the hon. Gentleman who had moved the Resolution would divide the House on it.

Viscount EBRINGTON said, that believing that the speech of the noble Lord at the head of the Government justified a hope that this grievance would be practically put an end to, he could not vote for the Motion before the House. He also strongly urged the necessity of providing adequate barrack accommodation, with proper sanitary arrangements, to secure the health of the troops.

Sir GEORGE GREY said, that this question was one that required serious, and calm, and careful consideration, and he asked the House if they were ready, without any consideration of the question, to pledge themselves to a foregone conclusion? This had been admitted to be a great grievance in Scotland which did not exist in England, and the noble Lord at the head of the Government had stated that he would consider it between that time and next Session when the Mutiny Bill came under the consideration of the House, and by an alteration in which alone could the system be abolished. He submitted whether, after the strong expression of opinion that had fallen from the Scotch Members, it would not be better for the House to wait, and give the Government an opportunity of considering the question, and of providing the necessary accommodation for troops, which would involve a large outlay of money; and not support this Resolution, which would prevent the House from going into a Committee of Supply. He thought this should have been brought forward as a substantive Resolution, rather than as an abstract one, which, if adopted, would pledge the House to no particular course.

Colonel DUNNE wished to know the distinct issue on which the division was to be taken. No man in his senses would call for the total abolition of the billeting system; but the peculiar mode in which it was carried out in Scotland undoubtedly required alteration.

Mr. ALEXANDER HASTIE said, that the chief object of the hon. Member for Edinburgh (Mr. Cowan) was to pledge the House that the grievance should be remedied. If the noble Lord had given a promise that it would be remedied no division would have been called for; but, unless he gave such an assurance, he recommended the hon. Member for Edinburgh to take the sense of the House on the Resolution. When the right hon. Gentleman the Member for Bucks (Mr. Disraeli) was in office, he (Mr. Hastie) had placed notices on the paper to abolish the present grievance; but the right hon. Gentleman said that the business of the Government was not to be stopped by matters of that kind, and so he was put down. He must say a more injudicious speech, or one more calculated to irritate the people of Scotland, than that of the Under Secretary for War, he had never heard. The Government ought to give assurance that this oppressive system should undergo revision.

The CHANCELLOR of the EXCHEQUER thought the House would see that this resolved itself, to a great extent, into a question of finance. It had been admitted by all the Members of the Government who had spoken, that the system of billeting in Scotland was inconvenient to the persons upon whom soldiers were billeted, that it interfered with their comforts, and that it was, to some extent, injurious to morality; but the question was, whether the House was prepared to adopt the only means which would suffice to remove the grievance by granting additional Votes in Committee of Supply. No one had suggested any effectual remedy for the grievance without resorting to additional expenditure. The Lord Advocate had expressed his doubts whether, if the law of Scotland with respect to billeting were assimilated to the law of England, adequate accommodation could be provided for troops in the former country. He (the Chancellor of the Exchequer) was not able to express a very decided opinion on the subject; but he thought, looking at the number of inns and public houses in Scotland, that there was great doubt whether they would afford sufficient accommodation for troops. If that were the case, the only resource in the event of abandoning the present system of billeting would be to increase the barrack accommodation, or to provide temporary quarters. The subject, therefore, practically resolved itself into a question of finance. The hon. Member for Edinburgh asked the House to pledge itself irrevocably, and without any inquiry, to abolish the grievance; but he trusted, after the explanation which had been given, and after the assurance of the noble Lord at the head of the Government that the subject should receive full consideration, that hon. Gentlemen would not give their support to the Motion, but would allow the House to go into Committee of Supply.

Mr. CUMMING BRUCE said, the right hon. Gentleman admitted the existence of a grievance which affected the social happiness and the morality of the people of Scotland, as well as the discipline of the troops; but he looked upon these evils as a matter of pounds, shillings, and pence, to be put into the scale against a small increase in the public Votes. He thought there would have been much more reason for the jealousy of the right hon. Gentleman with regard to the interests of the Exchequer, when the other night large Votes were passed for improving some of the parks of London. It had been said that this was a small grievance, but he denied that it was so; it was a serious and an exceptional grievance, and the duty of the Government was to provide a remedy. He, therefore, hoped that the hon. Member for Edinburgh would persevere in pressing his Motion.

The CHANCELLOR of the EXCHEQUER explained, that he had not intended to express any opinion against the grant of public money for the removal of this grievance; but what he meant to say was, that as the question resolved itself into one of additional expenditure, it was for the House to consider how far it would go in furnishing the Government with additional funds for the purpose of providing a remedy.

Mr. DISRAELI said, he could not agree with the suggestion which had been made by a Member of the Government, that the hon. Member for Edinburgh ought to have brought forward this question in the shape of a substantive Motion. That hon. Member had called attention to a national grievance, and he thought the hon. Gentleman had fairly chosen the opportunity of bringing it under the consideration of the House when they were on the point of going into Committee of Supply. If they were still to maintain the principle that the proper time for bringing grievances under the attention of the representatives of the people was when they were about granting supplies, he did not think the practical application of that principle could be better justified than on the present occasion. There seemed to him to be considerable inconsistency in the objections which were urged against this Motion on the part of the Government. The Secretary of State (Sir G. Grey) said this was a mere abstract Resolution and could produce no effect; but the Chancellor of the Exchequer told them it was far from being merely an abstract Resolution, that it was essentially practical, for that it assumed the shape of a financial vote. He (Mr. Disraeli) could not agree that if this Motion were adopted by the House of Commons it would be a mere abstract Resolution barren of results, for by it the House would counsel the Government to remove the grievance, and would leave it to them to pursue the best course by which such a result could be attained. He, therefore, felt persuaded that if the House adopted the Resolution it would not be barren of results, and he confessed that he did not see that there was much chance that the grievance would be remedied unless the House expressed an opinion on the subject. If the Resolution went so far as to say that an end should be put to billeting, he would not support it; but he could not ascribe to it the sense which had been attached to it by some of its opponents. It appeared to him that the representatives of Scotland had brought under the notice of the House what was in fact a serious grievance affecting the people of that country. They had the voluntary admission of the Minister who was peculiarly connected with the administration of the affairs of Scotland (the Lord Advocate) that the existing system was injurious to the discipline of the troops and interfered materially with the comfort of private families, and all the House was asked to do was to adopt a Resolution declaring that it was the duty of the Government to adopt means for remedying the evil. If he had entertained any doubt as to the course he ought, as an English Member, to take on this subject, the observations of the Under Secretary for War would have led him to the conclusion that it was advisable the House should come to a vote upon the question. He could not agree with the reasoning of that hon. Gentleman who made no distinction between billeting upon private families and upon innkeepers. The hon. Gentleman treated innkeepers as a particular class, and said that according to abstract principles of reasoning the system of billeting in England ought to be extended to every other class. But he (Mr. Disraeli) had always understood that the principle upon which billeting was confined in this country to a particular class—keepers of taverns and inns—was a very clear one, substantiating the justice and propriety of this Resolution. The principle was this, that by billeting soldiers upon tavern-keepers the sanctity of private homes was not violated, no social outrage was committed, and respect was paid to those feelings which were specially reverenced in England. Therefore the argument of the Under Secretary for War was not only fallacious but pregnant with dangerous consequences to this country. The grievance being complained of by all the representatives of Scotland, and acknowledged by the Government, in terms almost as strong as those of the Resolution itself, he did not see how the House could take any other course than to give its assent to the Amendment of the hon. Member for Edinburgh. That Resolution, if adopted, would not interfere with the barrack accommodation of our soldiers, nor did it pronounce any opinion as to whether the system of billeting should or should not be altogether and at once abolished—it did not pledge the Executive to anything but that which it was its duty to do—namely, to devise some remedy for the grievance; but which called upon the House, in a manner not to be mistaken, to express its opinion that the people of Scotland should be relieved of the burden imposed upon them by the existing system of billeting.

MR. VERNON SMITH thought the right hon. Gentleman who had just sat down had mistaken the tendency of the argument which had been used by his right hon. Friend the Home Secretary. His right hon. Friend had not stated that the hon. Member for Edinburgh had not a perfect right to move his Amendment; but he had observed, that the hon. Member, in asserting the existence of a grievance, had proposed no remedy; and that his Resolution ought to have been brought forward in the shape of a substantive Motion, when the House would be enabled to deal more effectively with the subject to which it related. The right hon. Gentleman had remarked, that if the House were to adopt the Resolution they would thereby have pledged themselves to no particular measure; but in his opinion they would, in taking that course, be binding themselves to the abolition of the grievance complained of—or, in other words, to the abolition of the system of billeting in Scotland. Nor had the right hon. Gentleman dealt quite fairly with his hon. Friend the Under Secretary for War. The right hon. Gentleman said that the system was essentially different from the system which prevailed in England. Granted. But what his hon. Friend the Under Secretary for War wished to show was that billeting was regarded as a grievance south as well as north of the Tweed; and he (Mr. V. Smith) might add, in corroboration of the justice of that view, that petitions had been presented over and over again from tavern-keepers in England against the system as established in this country. If, therefore, they were to put an end to billeting in Scotland, he did not see how they could avoid taking, with reference to England, a similar course. The House, in fact, in voting for the Amendment, would be recording it as their opinion that the English system should be put an end to ["No, no!"]. Yes; that would be the practical effect of the concluding words of the Resolution; and although the Chancellor of the Exchequer had been severely attacked for stating that it resolved itself into a question of finance, if they agreed to those words they would be obliged to consider the question as to whether it would not be absolutely necessary to build barracks all over the kingdom. The existence of a grievance, so far as Scotland was concerned, being admitted by the Government and the noble Lord at the head of it having stated his intention to consider how it might best be remedied, he hoped hon. Members would not prevent the House from going into Committee of Supply, and thus proceeding with the public business. He trusted that the English and Irish Members at all events — though the Scotch representatives might be banded together for a particular purpose—would not, by voting for the Resolution, pledge themselves to a course which they might afterwards regret.

MR. ELLIOT said, that what had really prevented the House from going into Committee of Supply was the speech of the Under Secretary for War. Scotch Members were really very quiet people, and he (Mr. Elliot) considered himself the most quiet of them all; but even his cold blood had been moved by the manner in which the hon. Gentleman had dealt with the Motion. The people of Scotland had complained of this grievance over and over again; and the hon. Gentleman, instead of treating their representations with the consideration they were entitled to expect, had met them with something very like contempt. Now Scotchmen did not like to be treated with contempt; and they would rise as one man against such a mode of disposing of questions in which they took an interest. He (Mr. Elliot) was generally a good supporter of the Government; but he must on this occasion vote against them—he was very sorry for them, but he really could not help himself. It was not that the people of Scotland wished to do away with billeting—they would not object to its being continued even on its present footing, in the case of a regiment marching through a town, or wishing to stay there for a few days; but what they did object to was, the system of permanently billeting soldiers upon them, and they would not rest until this grievance was redressed.

MR. JAMES MACGREGOR, referring to the observations which had fallen from the right hon. President of the Board of

Control, said he could not see the justice of opposing the redress of a grievance admitted to exist in Scotland, upon the ground that it would be necessary to extend the remedy to a similar grievance prevailing in England.

Viscount PALMERSTON said, that the right hon. Gentleman had misunderstood, and had therefore misrepresented the remarks that had fallen from him at an earlier period of the evening. What he stated was, that he admitted the existence of a grievance in Scotland in connection with the liability of private families to have soldiers quartered upon them, while in England that liability was confined to the keepers of taverns. He had proceeded to state that that state of things could not be altered until the Mutiny Act came under consideration next year; and that if the liability complained of were dispensed with it would become the duty of the Government to take into consideration the means necessary to be adopted in providing for the accommodation of soldiers under new circumstances. He was not aware that any objection existed to the assimilation of the English and Scotch law upon the subject of billeting, and in the mean time, he was perfectly ready upon the part of the Government to consider favourably any measures which might have the effect of relieving the Scotch householders from a grievance of which they very naturally complained.

Mr. THORNELY suggested that advantage should be taken of the existing barracks in Scotland to the full extent of their capabilities. It had been stated that some of them were comparatively empty.

Mr. MACKIE said, that if the noble Lord at the head of the Government would pledge himself to assimilate the law of Scotland to that of England, he would advise the hon. Member for Edinburgh to withdraw his Motion.

Viscount PALMERSTON: As at present advised I see no reason to object to such assimilation; and unless there should be some objection to it with which I am not now acquainted, I should be prepared to propose the assimilation of the law of the two countries in this respect.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 116; Noes 139: Majority 23.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved—

"That, in the opinion of this House, the practice of billeting Soldiers of the Militia and of the Line in Scotland upon private families is injurious to the comfort and discipline of the men, as well as oppressive to the people; and that it is the duty of the Government to take means permanently to abolish the grievance."

List of the Ayes.

Acton, J.
Bailey, C.
Ball, J.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Bellew, T. A.
Berkeley, G. C. L.
Bethell, Sir R.
Bond, J. W. M'G.
Booth, Sir R. G.
Bouverie, rt. hon. E. P.
Bowyer, G.
Brand, hon. H.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buckley, Gen.
Burke, Sir T. J.
Butler, C. S.
Castlerose, Visct.
Clay, Sir W.
Clive, hon. R. W.
Cockburn, Sir A. J. E.
Coote, Sir C. H.
Cowper, rt. hon. W. F.
Cubitt, Mr. Ald.
Denison, J. E.
De Vere, S. E.
Divett, E.
Drumlanrig, Visct.
Duncan, Visct.
Dungarvan, Visct.
Dunne, M.
Ebrington, Visct.
Ellice, rt. hon. E.
FitzRoy, rt. hon. H.
Foley, J. H. H.
Forster, Sir G.
Forster, J.
Freestun, Col.
French, F.
Gallwey, Sir W. P.
Gifford, Earl of
Gilpin, Col.
Glyn, G. C.
Gower, hon F. L.
Graham, rt. hon. Sir J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Haddo, Lord
Hall, rt. hon. Sir B.
Headlam, T. E.
Heathcoat, J.
Heathcote, hon. G. H.
Herbert, H. A.
Higgins, Col. O.
Horsman, rt. hon. E.
Hutchins, E. J.
Jermyn, Earl
Kirk, W.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Lowe, rt. hon. R.
Martin, J.
Martin, P. W.
Massey, W. N.
Monck, Visct.
Moncreiff, J.
Monsell, rt. hon. W.
Morgan, O.
Morris, D.
Napier, Sir C.
O'Brien, J.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palmerston, Visct.
Patten, Col. W.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Pinney, Col.
Portman, hon. W. H. B.
Power, N.
Price, Sir R.
Pritchard, J.
Pugh, D.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Richardson, J. J.
Ridley, G.
Seymour, H. D.
Shafto, R. D.
Smith, rt. hon. R. V.
Starkie, L. G. N.
Steel, J.
Stracey, Sir H. J.
Thornely, T.
Vane, Lord H.
Waterpark, Lord
Watkins, Col. L.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.

TELLERS.
Hayter, W.
Mulgrave, Earl of

List of the NOES.

Anderson, Sir J.
Annesley, Earl of
Baillie, H. J.
Ball, E.
Barnes, T.
Barrow, W. H.
Baxter, W. E.
Bell, J.
Biggs, W.
Black, A.
Blackburn, P.
Bland, L. H.
Brady, J.
Bramley-Moore, J.
Bruce, Major C.
Byng, hon. G. H. C.
Cairns, H. M'C.
Campbell, Sir A. I.
Chambers, M.
Chelsea, Visct.
Christy, S.
Cobden, R.
Cole, hon. H. A.
Coles, H. B.
Craufurd, E. H. J.
Crossley, F.
Dalkeith, Earl of
Dillwyn, L. L.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncan, G.
Dunlop, A. M.
East, Sir J. B.
Elcho, Lord
Ellice, E.
Elliot, hon. J. E.
Elmley, Visct.
Ewart, W.
Ewart, J. C.
Fellowes, E.
Fergus, J.
Fergusson, Sir J.
Filmer, Sir E.
Floyer, J.
Fuller, A. E.
George, J.
Graham, Lord M. W.
Grogan, E.
Guinness, R. S.
Gurney, J. H.
Hadfield, G.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hankey, T.
Harcourt, Col.
Hardy, G.
Hastie, Alex.
Hastie, Arch.
Herbert, Sir T.
Heyworth, L.
Holford, R. S.
Horsfall, T. B.
Hutt, W.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
Kerrison, Sir E. C.
Kinnaird, hon. A. F.
Laing, S.
Langton, H. G.
Laslett, W.
Lee, W.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lockhart, A. E.
Lockhart, W.
Macartney, G.
Mackie, J.
MacGregor, Jas.
MacGregor, John
M'Mahon, P.
McTaggart, Sir J.
Maguire, J. F.
Malins, R.
Masterman, J.
Matheson, Alex.
Matheson, Sir J.
Meagher, T.
Miall, E.
Michell, W.
Milligan, R.
Montgomery, H. L.
Montgomery, Sir G.
Mowbray, J. R.
Mundy, W.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
North, Col.
North, F.
Oakes, J. H. P.
Ossulston, Lord
Paxton, Sir J.
Phillimore, J. G.
Pollard-Urquhart, W.
Raynham, Visct.
Rushout, G.
Russell, F. C. H.
Scott, hon. F.
Seymer, H. K.
Shelley, Sir J. V.
Smith, J. B.
Smith, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Stuart, Capt.
Thompson, G.
Tyler, Sir G.
Vance, J.
Vernon, G. E. H.
Vernon, L. V.
Vyvyan, Sir R. R.
Waddington, D.
Walcott, Adm.
Walmsley, Sir J.
Warner, E.
Watson, W. H.
Wells, W.
Whitmore, H.
Wise, J. A.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Cowan, C.
Agnew, Sir A.

VISCOUNT PALMERSTON: I understand, Sir, that it would not be at variance with precedent that I should now move, notwithstanding that the Amendment has been carried—that this House should immediately resolve itself into Committee of Supply. I therefore beg to make a Motion to that effect.

MR. DISRAELI: I do not rise to oppose the Motion; and I am glad to find that the public business is now likely to proceed. But I am totally at a loss, I confess, how to account for the reiterated expressions of Her Majesty's Ministers to the effect that if this House were to arrive at a very just and a very politic conclusion, we should thereby be precluded from going into a Committee of Supply, and I congratulate the House upon the discovery that, having done an act of great justice, we are not incapacitated thereby from dealing with the business of the country. I must express my regret, however, that they who are responsible for the conduct of public business, and for guiding the proceedings of this House, should have been so profoundly ignorant of their position—for they cannot have condescended to misrepresentation—or should, at all events, have shown so little foresight in this matter as they certainly have displayed; and I trust that this night will be memorable, not only as having witnessed the defeat of the Government in their opposition to a wise and just Resolution, but as having enabled us to arrive at an accurate result with respect to the mode of conducting the business of the nation—satisfactory to the House, and highly satisfactory, no doubt, to Her Majesty's Ministers.

THE CHANCELLOR OF THE EXCHEQUER assured the House that the Members of the Government were fully under the impression—which he believed was shared by many Members opposite—that the rules of the House were such that, when an Amendment to the Motion for going into a Committee of Supply was carried, the Motion itself was lost, and that it was not competent to proceed with the Committee the same night. However, during the division, by the diligence of the Clerk at the Table, a discovery was made very opportunely that a precedent did exist which would enable the Government to proceed with the Motion for the Committee of Supply. He trusted, therefore, that the Motion now made by Her Majesty's Government for going into a Committee of Supply would not be opposed, and that it would not be for a moment supposed that the Government had resorted to the unworthy and dishonourable course of inducing the House to suppose that they could not go into a Committee of Supply if the Motion on a division should be lost, while at the same time they knew there existed a precedent which would enable them to do so.

Mr. CUMMING BRUCE said, the right hon. Gentleman had informed the House that, during the division, a precedent had been found to exist for the course now taken by the Government. He (Mr. C. Bruce) had not the slightest objection to that course, but it would be a satisfaction to the House if the right hon. Gentleman would state what the precedent was.

The CHANCELLOR of the EXCHEQUER said, that the precedent occurred on the 8th of April, 1850, on a Motion for going into a Committee of Supply. An Amendment was moved by Captain Boldero on the subject of assistant-surgeons in the navy, when, on a division being called for, the Question was put that the words proposed to be left out stand part of the Question. The House divided, when the numbers were — Ayes, 40; Noes, 48. The Question, "That the proposed words be added" was put and agreed to; the main Question, as amended, was put and agreed to; and the Question being then put, "That Mr. Speaker do now leave the chair," that Motion was agreed to, and the House went into Committee of Supply.

Mr. SPEAKER: There is nothing in the Amendment to negative the Motion for the House going into a Committee of Supply.

Mr. CUMMING BRUCE did not for a single moment question the propriety of the decision given by the Speaker, but he had asked the question for the satisfaction of those who had not a perfect knowledge of the practice of the House.

Resolved—That this House will immediately resolve itself into the Committee of Supply.

Motion made, and Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee.

The following three Votes were agreed to without discussion :—

(1.) £605, Education Commissioners, (Ireland).

(2.) £3,879, University of London.

(3.) £7,510, Scottish Universities.

(4.) £2,415, Queen's University, (Ireland).

Mr. M'MAHON took occasion to call the attention of the Committee to the fact that the examiner in the Celtic languages, embracing as those languages did the ancient Irish, was allowed a salary of only £12 a year. The circumstance was the more remarkable when it was taken into account that the examiners in the more modern languages in the Queen's University received a salary of £100 per annum. If the forms of the House permitted he should move that the salary of the first mentioned examiner be raised to that sum.

Mr. W. WILLIAMS lamented the expenditure of a very large sum of money upon the university in question with results so inconsiderable. He found that in that establishment there were twenty-two examiners, and that they had only forty-two persons to examine. He also perceived that £325 were laid out annually in the shape of exhibitions given to the pupils ; that fifteen gold medals were yearly supplied ; and he was sorry to say that the inducements thus held out were productive of no important consequences so far as the number of students was concerned. He might, for the consolation of the hon. and learned Member who had just spoken, observe, that although the examiner in Greek at the Queen's University was paid, in the shape of salary, £100 per annum, an examiner holding a precisely similar position in the University of Edinburgh received only £30.

Mr. HORSMAN said, he wished to state in answer to the hon. and learned Member for Wexford (Mr. M'Mahon) who had complained that the examiner in the Celtic language was considerably underpaid, that the Government did not arrange the amount of salary to the examiners. A certain sum was given to the University, and the senate (which was composed almost exclusively of Irishmen) apportioned the salaries according to the work the examiners had to do ; and the labour imposed upon this examiner, in their opinion, did not require a larger salary than had been apportioned to him. The hon. Member for Lambeth (Mr. Williams) complained that during the last year there were twenty-two examiners for forty-two persons to be examined, and contended that the examiners were overpaid ; but he would see, by reference to the Estimates, that the examiners at the London University were paid more highly. They received on an average upwards of £100 a year, while the examiners in the Queen's University in Ireland received only about £70. With reference to the circumstance of there being only forty-two persons examined, it should be recollected that these colleges had been in existence only for a limited period and had not attained the dimensions which it might reasonably be supposed the institution would hereafter reach; moreover, the opposition which had been offered to the opening of them had prevented in some degree the youth of Ireland from flocking to them. He had further to observe that the number of students to be examined had been unusually small last year in consequence of a new and higher standard of examination having been adopted in the preceding year. In that year more than one-third of the students for examination were "plucked;" but in the present year, although the number was much smaller, there was not a single student who presented himself for examination but passed.

Mr. M'MAHON was still of opinion, notwithstanding the explanation of the right hon. Gentleman, that there could not be a stronger indication of the real indisposition of the Government to promote education in Ireland than the grant of this trifling salary to the Professor of the native language of the country.

Mr. W. WILLIAMS said, that no fair comparison could be drawn, in respect merely to the salary given, between the London examiners and the Irish examiners, as the labour of the former was considerably greater.

Vote *agreed to*, as were also the three following Votes:—

(5.) £4,800, Queen's Colleges, (Ireland).

(6.) £533, Royal Irish Academy.

(7.) £300, Royal Hibernian Academy.

(8.) Motion made, and Question proposed—

"That a sum, not exceeding £2,975, be granted to Her Majesty, to pay the salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

Mr. HEYWORTH moved that the Vote be reduced by the sum of £1,500 and that compensation be made on reasonable terms. He objected to the grant, whether made on religious or political grounds. If it was intended to maintain a spirit of attachment to the British Government he could call it little else than bribery; and

the right way to foster a feeling of loyalty was to unfetter the industry of the people, so that they might become independent. If the grant were given for religious reasons it was extraordinary that it should be extended not only to Presbyterians, but also to Unitarians, whose doctrines were antagonistic. It could not be said that this was a grant made to persons who were poor, for the Presbyterians were extremely liberal with their money when the voluntary principle was concerned. The result of this policy of grants was, that the Presbyterians paid as little as they could, and much less than they were able to pay, towards the support of their own ministers.

Motion made, and Question proposed—

"That a sum not, exceeding £1,475, be granted to Her Majesty, to pay the salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

Mr. KIRK said, the observations of the hon. Member, however applicable to the *Regium Donum*, had no sort of reference to the Vote before the House. That Vote was for the Theological Professors of Belfast, who were all Presbyterians. A similar grant was made for the Scotch Universities. He denied that the money was given by Englishmen; Ireland paid the same taxes now as England, and it was but just that they should participate in its advantages. He claimed this Vote as a right. There was no begging in the case. The Professors of Belfast were most able and deserving men, and had done much for the promotion of education.

Mr. HADFIELD said, that if the people of Ireland paid their share of this tax, the Roman Catholics of Ireland—three-fourths of the population—were most unjustly taxed for the support of these Protestant Professors; for the Irish Protestants, the very men who sought this money from the State, violently objected to the grant to the College of Maynooth, on the ground that people ought not to be taxed for the maintenance of a religion of which they disapproved. He denied that six Professors were required at Belfast; three would be ample, and even one would be sufficient. In the Lancashire Independent College one Professor performed the duty of three of the Professors of this college at Belfast, and was, he ventured to say, a superior man to any of the three. If he turned to the time these Professors devoted to their labours, he found that Dr. Killen was occupied five hours in the week for six months in the year. Dr. Edgar made no return. Dr. Wilson was occupied five hours in the week, Dr. Murphy six hours, Dr. Gibson five hours, and Dr. Cooke thirteen hours as tutor, and two as dean. Let it not be supposed that these Professors were giving a free education to the students, for they charged heavy fees. One Professor received in fees £42 10*s.*, another £71, another £52, and another £65. Dr. Cooke, in addition to his other allowances, received £320 as distributor of the charity—for doing that which any banker's clerk would do for the usual banker's commission. Dr. Cooke received £250 as a Professor, £40 in fees from students, and £320 as distributor of the fund, in addition to which he preached to a large congregation in a handsome chapel, so that his income probably amounted in all to £1,000 a year. There was the less reason for continuing the grant as the body in whose favour it was made was perhaps the richest body of Dissenters in the empire. During the last year they had raised upwards of £30,000 for manses for their ministers, and they had raised £10,000 for their missions. Let them be just before they were generous. Let them take their hands out of the public Exchequer. For his part, he was ashamed to see any body of Dissenters coming to that House with such a demand; no single body of Dissenters in this country condescended to do so; and he found that in Ireland itself there were other denominations whose members refused to imitate their example. It appeared that a portion of the money was given to the Unitarians. Now, he admitted that if such grants were to be made in favour of the members of one creed, it was only fair that they should be extended to the members of every other; and Unitarians were, therefore, as much entitled to them as Trinitarians; but it was a serious consideration for that House how far it was consistent on their part with reason and common sense to grant a sum of money for the teaching of doctrines of the most solemn and of eternal importance held by a particular sect, and another sum for the teaching of the doctrines of another sect who regarded the tenets of those who thus shared with them the public money as impious and idolatrous. He intended to test the feeling of the Committee on this question, whether they would make a grant to the teachers of one set of doctrines, and to those also who utterly denied their truth. He held in his hand a paper of great ability by a Presbyterian in Scotland, containing sentiments of reproach, shame, obloquy, and grief at the conduct of those accepting this grant. The excellent gentleman referred to stated that it would not do to plead the poverty of Ireland in justification of the grant, because the north of Ireland was not a poor district, possessing, as it did, many thriving factories; in no way could they account for the little progress of Presbyterianism there other than by their acceptance of the base bribes which effectually closed their mouths against Maynooth. He believed, in truth, that this grant had a most pernicious effect upon the people of Ireland, because it prevented the promulgation of divine truth and moral culture to a very considerable extent. He proposed that a retiring compensation or allowance should be made to these Professors, for he was sure that if all grants of this kind were discontinued, the whole amount would be made up next year by voluntary subscriptions. Ministers had not a fair chance, all voluntary generosity being put an end to, and they had nothing to look to but Parliamentary grants doled out in this way, always much opposed, and the acceptance of which raised a blush of shame on the cheeks of the recipients. Were they prepared to vote salaries to Professors of Calvinistic doctrines, and in the next Vote would they sanction a grant for Professors of Unitarian doctrines, which were diametrically opposite? The Roman Catholics of Ireland were closely watching them, and if there was any circumstance which begot in this land a distate for the very name of religion it was the doling out of these annual grants. It was a scandal and a reproach to the country to continue the system. The liberty of conscience consisted in absolute religious liberty to all men; therefore all ought to be treated equally, and by doing away with such grants as this the House would get rid of the anomaly of supporting conflicting systems of religion to the scandal of the nation. Could anything, indeed, be more calculated to destroy religion and to encourage scepticism than this mode of supporting religion? He intended, after the Committee had voted on the present Motion, to take the sense of the Committee on the next Vote also.

MR. CAIRNS said, the speech of the hon. Member was a tissue of contradictions, and confessed his inability to reconcile its antagonistic principles. Which part of his address did the hon. Gentleman desire to hear answered—that in which he bewailed the tendency of State grants to paralyse voluntary efforts, or that in which he described as something little less than marvellous the spontaneous exertions of the Presbyterian recipients of such bounties? The case of the Belfast Professors was short and simple. When the Queen's Colleges were established in Ireland, the grant, until then enjoyed by the old Presbyterian foundation, known as the Academical Institution, was withdrawn; but the General Assembly were induced to found a theological seminary at Belfast by the promise made to them by the Government of the day, that, in the event of their doing so, the salaries of the Professors should be provided by a Vote of Parliament. Such in a single sentence was the claim of the Belfast Professors, and it was irresistible. No charge of incompetence or negligence had been proved against those gentlemen. It had been objected, indeed, that they did not give more than one hour a day to the duties of their respective professorships; but that was the time usually devoted to any particular branch of learning in all educational establishments, and neither did the students require, nor could eminent Professors afford, a longer period. Nor was the system that prevailed at Belfast extravagant either as regarded the number of Professors or the salaries awarded to them. There were more Professors in the college of Glasgow than in that of Belfast, and whereas the average expense to each student in the former institution was £26 a year, it was £70 in the latter. Session after Session, when this Vote was under discussion, it had been customary to single out Dr. Cooke as a remarkable instance of an overpaid Professor. Nothing could be more untrue than such a representation. Dr. Cooke, a man eminent for ability and attainments as any in the empire, had been in receipt from his church of an annual income of £400 a year. Not only did he give it up for a professorship worth £250 per annum, but with rare zeal, and disinterestedness almost unexampled, he continued to perform the ministrations of his church without salary. Unmindful of his own inconsistency, so flagrantly exemplified by his speech, the hon. Member could not brook the idea that Parliament should endow antagonistic doctrines. Yet here, too, he had shown how superficial was the attention he had paid to this subject; for, in point of fact, there was here no strife of creeds, each of the six Professors being an orthodox Presbyterian. With regard, however, to the portion of the grant designed for Unitarians, the hon. Member would have acted more frankly if he had had the courage to object to the Vote on the ground that he was opposed to the endowment of what he regarded as error. But he had not done so. He resisted it simply on the plea that it was "unnecessary and extravagant." It was to be hoped that the Committee would not be misled by arguments so false and unsubstantial, but would continue their support to an institution in every respect worthy of it. If the ground of opposition taken by the hon. Gentleman was that some part of these grants went to the support of doctrines that he regarded as infidel, the hon. Gentleman should have moved the rejection of the grants altogether, and not their diminution.

Mr. HEYWORTH said, that he would withdraw his Motion, and propose instead that the Vote be reduced by £600, leaving £900 as a compensation or pension to the Professors.

Mr. CAIRNS said, it was not the practice of the Committee to vote retiring allowances to persons until they actually retired, and in this case the Professors had no wish to do so.

Mr. W. J. FOX expessed his determination to support the Amendment. A great deal of irrelevant matter had been imported into that discussion. Properly speaking it had nothing whatever to do with the amount of the emoluments received by Dr. Cooke and the other Professors; the real question at issue being, whether or not it was consistent with the policy which Parliament should pursue to set up a *quasi* establishment of Scotch Presbyterianism in Ireland? There were two reasons that might induce a Legislature to endow a particular form of religion. The first was, a conviction on the part of the State that the creed in question was true, and ought to be supported at the expense of all other denominations; and the second, that the great majority of the population belonged to its communion. Presbyterianism in Ireland, however, was wanting in either of these characteristics—it was neither the national religion, nor was it the religion of the majority of the people of Ireland. A parallel had been drawn between this Vote and the endowment of the Scottish Universities. Yet there was no analogy between them. Presbyterianism was the established religion of Scotland, and was therefore entitled to grants from those who approved of State patronage for religion; but in Ireland that form of faith was not the creed of the bulk of the population, but an alien creed and a foreign mission. No public benefit accrued from such payments at all counterbalancing the ill feeling they engendered, Presbyterianism being fully as obnoxious to the people of Ireland as Protestant episcopacy, without having an equal claim to their veneration and respect. How, therefore, the members of that unpopular persuasion could come to that House and demand, as a right, an annual grant for its theological Professors, it was impossible to understand. The question was not whether their tenets were right or wrong, but whether a small minority should be allowed to tax the majority for the support of a Church the principles of which were wholly repugnant to them. It was, like all other grants of the same kind, an attempt to support the doctrines of a few by the money of the many—the religion of a sect by the money of a nation. The hon. Member for North Warwickshire (Mr. Spooner), and those who concurred with him in his opposition to the endowment of Maynooth, ought, in consistency, to resist this Vote for Belfast College, an institution which—excepting that it received far less countenance from the people of Ireland—might fairly be regarded as "the Maynooth of Presbyterianism."

Mr. SPOONER said, he did not want to be instructed in his duty by the hon. Member for Oldham. He should support the vote for Belfast College, because it taught sound doctrine. His opposition to Maynooth was based on the fact that that institution inculcated principles, in his opinion, not only erroneous and dangerous in themselves, but which the Sovereign of England was bound to condemn as such, and which, moreover, the Articles of the Established Church declared to be "idolatrous fables and dangerous deceits."

Sir JAMES FERGUSSON said, that the present proposition was a grant to the College of Belfast. Now, Presbyterianism was the predominant faith in the north of Ireland; so then, on his own showing, the hon. Member for Oldham ought to vote for it. He appealed to the Irish Members whether a great reason of the prosperity of that part of Ireland was not due to the introduction of that religion into the country? Taking it, therefore, on the narrow principle of supporting the religion of the locality, he thought the House would be perfectly justified in granting the Vote.

Mr. MOWBRAY thought that a vote of this description could not be fairly objected to as long as the Roman Catholic College of Maynooth was maintained from the funds of the State. As to the item of £300 for the Unitarian Professors of the Non-Subscribing Association, when the hon. Member for Sheffield moved the disallowance of that sum he should have his (Mr. Mowbray's) vote in his favour.

Original Question again proposed.

Whereupon Motion made, and Question put—

"That a sum, not exceeding £2,375, be granted to Her Majesty, to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

The Committee *divided*:—Ayes 31, Noes 85: Majority 54.

Mr. CROSSLEY said, he did not think the House was suited to judge of who were orthodox and who were not. They were assembled for a very different purpose than to decide which religion was right and which was wrong. He thought it would be much better if less time were taken up in discussing theological questions. It was well known that the majority of the population of Ireland were Roman Catholics; if, therefore, any religion was to be made the established religion, it should be that which had the largest number of believers. He found in the Estimate for Theological Professors at Belfast a Vote of £325 for six and a half years' mistakes in the retired allowance of Mr. Young, one of the professors. He thought it strange that Mr. Young hod not discovered the mistake until after the lapse of so many years, and he moved the disallowance of the item.

Whereupon Motion made, and Question proposed—

"That a sum, not exceeding £2,650, be granted to Her Majesty, to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

Mr. WILSON said, the hon. Member, in wishing to strike off the sum of £325 from the grant for retiring allowances, did not apper to be aware of the circumstances of the case. Prior to 1850 each Professor had a salary of £350 a year, bssides receiving various sums from their Pupils.

It was then proposed by the Irish Government that the four Professors should have a retiring allowance of £150 a year; losing also the fees from the students. When the Treasury considered the matter first, they consented to the first three Professors having the retired allowance; but they suggested that Mr. Young might be appointed a Professor in Queen's College. The Irish Government replied that the appointments were all filled up, and suggested that Mr. Young should be treated in the same manner as the others, and be allowed to retire on the same allowance. In drawing up the minute giving Mr. Young his allowance, he was sorry to say, there had been a mistake, making his allowance £100 instead of £150. On receiving a memorial on the subject—not the first, he was sorry to say—he had been compelled to confess there had been an error. The object of the present grant was to repair that error.

Mr. SPOONER wished to know if he could move to reduce the Vote by a prior item for the salaries of two Unitarian Professors?

Mr. CHAIRMAN said, he could not do so on this occasion.

Mr. SPOONER then gave notice that he should do so after the present Amendment was disposed of. This was a Christian country, and should not give any aid in the propagation of anti-Christian doctrines. The Unitarians, denying the Divinity of our Lord, could not be considered as holding the Christian religion. He entertained, therefore, an insuperable objection to this item in the Estimate, and he should certainly move to strike it out.

Amendment, by leave, *withdrawn.*

Original Question again proposed.

Mr. SPOONER then moved the Amendment which he had just mentioned, for the reasons he had stated. The Amendment was to strike out the sum of £300, the salaries of two Unitarian Professors.

Motion made, and Question put—

"That a sum, not exceeding £2,675, be granted to Her Majesty, to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

Mr. HADFIELD supported the Amendment, although for a reason irrespective of the religious opinions of the Professors. He objected on principle to religious endowments or allowances from the State. These two Professors had, it appeared, only three pupils between them. One of the divines had £150 a year for the professorship, and £230 for distributing the Regium Donum among forty of his brethren. Besides that, the rev. divine had £95 from the Regium Donum, and £130 from his congregation. The other of these Professors was similarly provided for.

Mr. KIRKE, though not approving of the opinions of those professors, thought that it would be great injustice to deprive them of the remuneration which the Committee had just voted for others.

The Committee *divided:* — Ayes 42, Noes 88: Majority 46.

Original Question again proposed.

Mr. CHEETHAM had no quarrel with the sum itself, nor any dispute with the theological opinions taught in the College; but he did not think it was within the province of the House, consisting of Gentlemen who represented all denominations, to vote public money for the propagation of any religious doctrines whatever. Besides, the Presbyterians of Ulster were a very wealthy body, and quite as able to maintain their own college as the Free Kirk of Scotland or the various Dissenting sects of England. He therefore moved the reduction of the Vote by the sum of £250, proposed to be paid for incidental expenses of the General Assembly College at Belfast.

Motion made, and Question put—

"That a sum, not exceeding £2,725, be granted to Her Majesty, to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1857."

Mr. WILSON said that this sum of £250 was not a new charge. It had formerly been voted for a professorship which had fallen vacant, and it was now thought desirable to apply the money to the incidental expenses of the College.

Mr. KIRK supported the vote. The hon. Member's statement was quite erroneous. A far larger sum had been voted to the Queen's Colleges, and a large sum for a botanical institution.

The Committee *divided:* — Ayes 36, Noes 108: Majority 72.

Vote *agreed to.*

(9.) £25,643, New Buildings—British Museum.

Mr. A. PELLATT complained that the trustees of the British Museum had not placed before the public a comparative statement of the sums which had been received on the score of improvements. The managers of the National Gallery made such a statement. He did not doubt that the money had been properly appropriated, but should like to see the details. In 1854 there had been a grant of £100,000 for building purposes, and in 1855, £27,000. He highly approved of such institutions as the British Museum, and was glad to see that considerable improvements were making for the accommodation of the public. There was one matter, however, which he had to find fault with, and that was the number of days in the week that the Museum was closed to the public. He thought the public ought not to be excluded from daily admission, on any plea connected with the convenience of the pupils who studied in the Museum.

Mr. WILSON said, this subject would be more fittingly discussed on the main Estimate for the British Museum, which would very shortly be moved by the noble Lord the Member for the City of London, on behalf of the trustees.

Mr. JAMES MACGREGOR thought an arrangement might be made by which some part, though not the whole, of the Museum might be open to the public on every day in the week.

Mr. GLADSTONE rose to point out an omission in the printing of the Vote. The item £12,500 in the department of printed books ought to have been stated to be a vote on account, for that vote did not represent the entire expense which would be incurred in providing the additional accommodation which was contemplated in that department, and the trustees would have to come again for another Vote on the same account. A plan had been adopted which would provide an immense amount of accommodation for books at a very small expense, and which combined the advantage of occupying a space hitherto wasted, and of concentrating all the arrangements of the library.

Mr. W. WILLIAMS thought that, considering the immense sums which had been spent on this institution, greater facilities ought to be given to the public for visiting it.

Vote *agreed to*.

(10.) Motion made, and Question proposed—

> "That a sum, not exceeding £17,639, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March 1857."

Mr. OTWAY rose to move that the Vote be reduced by £650—the sum put down in the Estimate for travelling expenses. The reasons which induced him to do so were, because he believed—first, that the appointments to the post of director and travelling agent were bad; and, secondly, that the sum of money was not only not necessary, but positively mischievous. As regarded the two gentlemen—Sir Charles Eastlake and Mr. Otto Mündler, who held those appointments, he had no personal acquaintance with them. His only knowledge of them was founded upon the manner in which they had discharged their duties, and his only motive in opposing the present Vote was, that he firmly believed that their appointment to the positions which they occupied was prejudicial to the public service. In the year 1853 the administration of the affairs of the National Gallery had given rise to much discussion, and a Committee of that House was appointed to inquire into the whole subject. In consequence of the Report of that Committee the constitution of the National Gallery was altered, and in a Treasury Minute, dated March 27, 1855, the following passage occurred—

> "My Lords propose to appoint a Director of the National Gallery, with a salary of £1,000 per annum, such appointment to be for a term of five years, but the director to be eligible for reappointment, which appointment, however, may be at any time revoked by the Treasury. My Lords consider it a fortunate circumstance that they are able to select for the first appointment to this important office a gentleman of such high attainments as Sir C. Eastlake, who is President of the Royal Academy, and has shown qualifications of the highest order for the office."

Now, to that statement he took exception, and he could show to the Committee that the entire press of the country, and not only the newspaper press, but periodicals to which Gentlemen on the Treasury bench had been contributors, entirely disagreed as to the justice of it, and the opinion of the press was confirmed by that of persons holding high positions in the profession, and by distinguished amateurs; and, indeed, he should be able to condemn Sir C. Eastlake out of his own mouth. In the *Daily News* of February 6, 1856, it was stated—

> "In spite of the many unpleasant matters which have occurred in connection with the National Gallery, we know of no incident of the kind of so painful a nature as that which the selection of the 'Adoration of the Magi' presents. If Sir C. Eastlake be so dull as to suppose this to be a fit picture to place in our national collection, let him hasten to the Gallery, and learn in the countenances, gestures, and

remarks of the visitors to the Gallery the lesson he so much stands in need of."

The Times, in a leading article of January the 7th, 1855, stated—

> "Mr. (Sir C.) Eastlake is, we think, rather unfortunately selected as a representative of pictorial art."

The Sun stated—

> "'The Adoration of the Magi' is a huge canvas filled with as little regard as possible to colour, or drawing, or composition. And for this, for this thing, we are coolly informed that £2,000 in round numbers has been paid out of the public purse, in obedience to the advice of Sir C. Eastlake, President of the Royal Academy—a truly wretched evidence of evil taste, a blunder that ought to preclude him henceforth from the possibility of squandering again the public money."

Similar articles had appeared in *The Advertiser*, *The Morning Post*, *The Globe*, *The Atlas*, *Bell's Weekly Messenger*, *The Athenæum*, *The Britannia*, *The Civil Service Gazette*, *The Examiner*, *The Empire*, *The Era*, *The Illustrated Times*, *John Bull*, *The Leader*, *The Lancet*, *The Observer*, *Punch*, *The Sunday Times*, in which he was called the worst man in the best place; *The Weekly Dispatch*, *Blackwood's Magazine*, the *Church of England Quarterly*, *the Edinburgh Review*, *Tait's Edinburgh Magazine*, and the *Westminster Review*. That was the opinion of the press, and no man could, he thought, go to the National Gallery without perceiving that the arrangements carried out there, since Sir Charles Eastlake's appointment as director, were not advantageous to the public service. Not only had the good pictures been much damaged by the "cleaning" process, but the addition made to the Gallery had been injudiciously selected. "The Adoration of the Magi," by Paul Veronese, would not be appraised by a picture appraiser at above £200, and yet it had cost the country about £1,977, besides some other expenses. Why, Sir C. Eastlake stood condemned out of his own mouth. With regard to a picture, falsely attributed to Holbein, Sir C. Eastlake said, "I wish to state as plainly as possible that, with due care, I might have prevented the purchase of that picture, and my not having done so implied a want of knowledge of the master;" and, in a subsequent part of his evidence, he said, referring to the purchase of the same picture, "In the first place, I can hardly assume that such a director as I think fit for the National Gallery would make such a mistake; and, in the next place, I would say, as some excuse for my share of the mistake, that I was fortified by the opinion of a person whom I considered a competent judge." And yet, my Lords of the Treasury congratulated the country upon having the opportunity of selecting such a man for the office of director. Notwithstanding that *exposé* Sir C. Eastlake, who had previously performed almost the same office for £200 a year, was raised to a more responsible office, and his salary was increased to £1,000 a year. After such an *exposé* as that, he would ask, Was it right that Sir Charles should have been promoted to such an office—after he had admitted that he had mistaken an inferior picture for an Holbein, and had offered to buy it back from the public, as he (Mr. Otway) believed had actually been done in the case of another purchase? and the fact disclosed a great irregularity in the proceedings of the trustees and director, for it was not to be in the power of any individual to purchase a picture which had become the property of the nation, unless a Bill were passed enabling the trustees and director to sell such pictures. Then, again, the evidence of Sir C. Eastlake on the subject of cleaning proved that he was by no means qualified for such a position as that of director of the National Gallery. The notions expressed by Sir Charles Eastlake were really so absurd that any person having the slightest knowledge of art must have seen that they were entirely false. What was required was to get the colours and the style of the master; but Sir Charles Eastlake seemed to think that the restorer's art was to glaze over the picture, instead of restoring it to what it had been before. Everybody knew that such a process was only interfering with and spoiling a great work of art. If the opinions of gentlemen of high taste—if the opinions of all the eminent men connected with the National Gallery—nay, even if the opinion of Sir Charles Eastlake himself was not sufficient to convince Government of the badness of this appointment, he thought they would be convinced when they heard the evidence of Mr. Hurlestone and Mr. Stevens—the former the President of the Incorporated Society of British Artists, and the latter who, having been professionally educated in Italy, had since been employed as a teacher in the School of Design. These gentlemen, and particularly the latter, had written in the newspapers in terms of strong condemnation of the pictures purchased for the National Gallery. There was Mr. Conningham, too, a gentleman well known in connection with art, he had equally condemned the pictures purchased by Sir Charles Eastlake. The whole current of evidence was condemnatory of the management of that gentleman. He now came to the case of Mr. Otto Mündler and his appointment. He had, on a former occasion, objected to the salary of Mr. Otto Mündler as travelling agent, not on the discussion of the Estimates but on the bringing up of the Report. The hon. Gentleman (Mr. Wilson) defended the appointment, and said that Mr. Otto Mündler was the very best person that could be appointed for the performance of the duty required, because he was well known in connection with art and his knowledge of pictures in every city in Europe. He (Mr. Otway) would now state what he did not state then, that Mr. Otto Mündler was anything but favourably known in this country. By an effort of imagination that gentleman had persuaded himself to believe that he had discovered a Correggio, and he tried to induce the trustees of the National Gallery to purchase it. The transaction, he must say, appeared to him to be enough to raise some suspicion as to the propriety of the appointment. The hon. Gentleman had never shown any reasons to prove that Mr. Otto Mündler was well qualified for his office. He had no objection to the selection of an Italian or German artist, if it were shown that he was the fittest man for the appointment, but this had not been done, and considering the state of English art and of English artists, he thought they would do well to inquire whether they could not find some English artist who might travel on the Continent, inspect the galleries there, and become a purchaser of pictures for the National Gallery, with quite as much judgment and taste as any foreigner. He contended that it was a positive disadvantage to the country that these two Gentlemen—Sir Charles Eastlake and Mr. Otto Mündler—should be travelling about the Continent to purchase pictures. What would be the effect of its being known that there were two persons travelling abroad for the purpose of purchasing a certain picture for the National Gallery? The arrival of those gentlemen in an Italian or a German town would create a sensation; and the first effect would be to excite the attention of the vendors of the picture, and its price would be raised; while, in the second place, the suspicion of the Government of the country would also be excited, and the exit of the picture prevented. He believed that by the system pursued this country had already been prevented from obtaining many good pictures. That was in itself a reason for contending not only that the appointment of a travelling agent was unnecessary, but that it positively was mischievous. He was prepared to show that, so far from its having been the means of procuring for us any great work of art, the only thing it had procured was that miserable Paul Veronese. He was aware that if he were to propose the reduction of the salaries this year he might be met with an argument similar to that which was urged against the reduction of the Vote for agricultural schools in Ireland—namely, that the gentlemen had been already engaged, and that they could not be dismissed this year. He did not, therefore, now propose to touch the salaries; but the travelling expenses were perfectly clear of any such objection. He would therefore move that the present Vote be reduced by the sum of £650, which was the amount proposed for the travelling expenses.

Mr. HARCOURT VERNON said, that while seconding the Amendment of the hon. Gentleman he should feel himself compelled, in many respects, to express different opinions from him. In common with the hon. Gentleman, he felt that the Committee ought to be satisfied why they should be called upon to pay £650 for travelling expenses. Having taken a very active part on the Committee appointed to confer on the management of the National Gallery, he certainly had been surprised to find that a secretary had been appointed at a salary of £750 a year, in addition to a director at £1,000 a year and a travelling agent at £300 a year, exclusive of travelling expenses. He was at a loss to understand what was the object for appointing a "Secretary and Keeper." He certainly considered the appointment to wear something of the appearance of a job. The only duty he would have to perform, not of a merely mechanical nature, was simply that of drawing up a *Catalogue Raisonnée;* and it certainly was the opinion and intention of the Committee, in proposing a liberal and fixed salary to the director, that he should be willing himself to undertake any duties of this description. He was against the employment of a travelling agent, as he believed that pictures might be purchased in a better manner. He thought there were plenty of persons in the various towns abroad who, from their local knowledge, would be able to procure good pictures; and though, of course, these persons would charge a sufficient percentage for their trouble, which would raise the nominal price of each acquisition, he was convinced that this would prove at least an equally efficient, and a much more economical system than to employ an agent at a salary, with large travelling expenses. He felt bound, by a sense of duty, to make these remarks. He was in a position different from that of the hon. Gentleman, for he had the pleasure of the personal acquaintance of Sir Charles Eastlake, therefore he had no wish to say anything that could be annoying or personally offensive to him. But it was impossible, after having heard the evidence of Sir Charles Eastlake himself, that he (Mr. H. Vernon) could feel altogether satisfied by the appointment of that gentleman as the director of our National Gallery. At the same time, it was fair to state that it would be difficult to point out any other person who possessed better qualifications. In Sir Charles Eastlake the Government had found a gentleman, and a man above all sordid considerations; he was possessed of a very refined taste and of considerable pictorial knowledge. Whether in all respects he had displayed a sound judgment was a matter he would not then enter upon. In some remarks on the subject of the spurious "Holbein," Sir Charles Eastlake himself candidly acknowledged that he had not an accurate and critical knowledge of other schools of art than the Italian. And here he (Mr. Vernon) might be permitted to take notice of a curious statement that had been made to the Committee. Sir Charles Eastlake informed the Committee, that a well known artist, Mr. Lance, could give some information with respect to the restoration of the "Boar Hunt" of Velasquez, which is now in the National Gallery. The artist was summoned before the Committee, and he then stated that many years ago, when the picture was in Lord Cowley's possession, it had been placed in the hands of a picture restorer (Mr. Thane); that in the process of lining the picture, a piece of the painting had flaked off; that he (Mr. Lance) had been employed to restore the picture, and that in the damaged portion of it he had painted in, out of his own imagination, a whole group of figures and animals occupying a space as large as a sheet of foolscap paper! He (Mr. Vernon) was so astonished at this statement, that he went, the next day, with the artist, and requested him to point out the exact spot of the restoration in question. Mr. Lance, after a careful examination of the picture, declared that every figure in it was evidently the work of Velasquez's own hand, that he must have been quite mistaken as to the amount of the repairs which he had executed, and that the only work of his own, in the place in question, which he could trace, was part of the back of one mule and the head of another. Another strange statement made by the same artist was, that he had been employed on a picture by Rembrandt, which had been equally damaged, under Mr. Thane's direction, and that he had painted in the gap a black man out of his own imagination. The picture was said to have belonged to his (Mr. Vernon's) grandfather, the late Archbishop of York, and his uncle the Member for Oxfordshire was stated, by Mr. Lance, to have highly approved of the restoration. Now, though it is true, that some of the Nuneham pictures were placed in Mr. Thane's hands, no such picture as that referred to existed in the collection—nor was there a "black man" in any one of the pictures. Moreover, his hon. Relative entirely denied that he ever said anything of the sort attributed to him. Nevertheless he believed that the gentleman stated what he believed to be true; and he merely mentioned the circumstance to show how inaccurate some statements in reference to matters of fact were. He had seen the story in the newspapers, but he had not taken notice of it before, as he was not in the habit of writing to newspapers. With respect to Mr. Mündler, he had been very much startled to hear the story about the Correggio. He had seen Mr. Mündler in some of the towns of Italy, and that gentleman appeared to be an extremely painstaking and laborious person, and he had heard his opinion with reference to pictures very favourably spoken of by competent persons. He also — though his opinion might be worth very little—was favourably impressed with what he saw of Mr. Mündler. He could not help lamenting that the director should have gone abroad in company with Mr. Mündler for a considerable time, for he did not think that that was the most likely way to buy pictures cheaply. A travelling agent, if there were to be one, should keep himself as quiet as possible. In his opinion, Sir Charles Eastlake, if allowed a fair trial, would prove himself more worthy of public confidence than the recent unfortunate purchase, which had justly caused so much sensation, might have made him appear to be. Having said thus much in justice to Mr. Mündler and Sir Charles Eastlake, he must express his opinion that this sum for travelling expenses was a most wasteful expenditure of money, and he trusted that some explanation would be given of the precise nature of the duties of Mr. Wornum, who received £750 a year in his capacity of secretary or keeper. With these observations, and considering that the expenses of the staff of the National Gallery were larger than he thought necessary at present, and that they went beyond the recommendations of the Committee, he should support the Motion of the Member for Stafford.

Motion made, and Question put—

"That a sum, not exceeding £16,989, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March 1857."

Mr. BOWYER concurred in everything that had fallen from his hon. Friend who had just sat down. He was inclined, however, to go still further, and to declare that £1,000 a year was too much for the duties devolving upon the director. The principal part of that officer's duty would be advising the Government regarding the purchase of pictures. Now, Sir C. Eastlake was President of the Royal Academy, who enjoyed apartments in a public building, and other privileges, and he really thought that that body should consider it an honour to be consulted about the purchase of pictures, and to give their services to the State gratuitously. Probably there might be twelve pictures purchased in the course of a year, and Sir Charles Eastlake would have to give an opinion as to the value of each of them. Let him remind the House that the First Commissioner for the Consolidation of the Statutes was paid £1,000 a year, while each of the sub-commissioners, upon whom the greater portion of the labour was cast, received only £600 a year. Now, he wanted to know whether the duties which Sir Charles Eastlake had to perform could be considered to bear any comparison with the arduous duties of the Statute law Commissioners? There ought to be a juster proportion established between salaries and the duties performed for them. With reference to the Paolo Veronese purchased by Sir Charles Eastlake, he was assured upon the best testimony, that some time ago the picture was offered for sale for £50. Nevertheless for that picture the country had paid £1,975, though in the condition in which it now is £50 represented its proper value. A director at £1,000 a year, a secretary at £750, and a travelling agent at £300, besides his expenses, was a costly establishment. He was very much opposed to the plan of a travelling agent. Being well acquainted with Italy, he knew the sensation that would be caused in an Italian town among the artists by the arrival of an agent of the English Government amongst them. Such an event would raise the price of every picture in the town 100 per cent. We had diplomatists all over Europe, and he could not help thinking that they might find trustworthy persons in the cities in which they lived to give opinions and information about pictures. He was sorry that his hon. and learned Friend had not proposed a reduction in the salaries of the officers, for he thought that £500 a year would be an ample allowance for the director.

Lord ELCHO said, he could not concur with the hon. and learned Gentleman in the statement that £1,000 a year for the director was too large a salary. The Committee of 1853, of which he was a Member, were unanimously of opinion that the principal officer of the National Gallery had been up to that time underpaid; and as they felt that where there was not sufficient pay there was seldom good work, they came to the conclusion that, if a well-educated and superior man could be obtained as director to devote his whole time and professional talents to the management of the Gallery, he would be worth a salary of £1,000. But, strange to say, the Treasury had greatly exceeded the wishes and expectations of the Committee, for they had not only granted the salary of £1,000 to the director, but they had also appointed a secretary with a salary of nearly £800. Now there was not even any motion made in the Committee for the appointment of any secretary with a salary at all. The hon. Gentleman the Secretary of the Treasury had likewise appointed a travelling agent with a salary of £300 a year, and permission to draw for travelling expenses to an unlimited amount. Now the question of appointing a travelling agent had never been even mooted before the Committee; and to him (Lord Elcho) it did appear that those two appointments were superfluous and unnecessary. He had, indeed, expressed his opinion that £1,000 a year was not more than a sufficient salary for the director, and that there was abundant for the director to do. But every gentleman was well aware that there was a period of the year in which, so far as regarded the purchase of pictures, there was nothing to be done in England. The time when the sales of pictures took place at the auction-rooms of Messrs. Christie and other well-known auctioneers was during the London season, in the summer; but there was nothing of that kind to be done in the winter, and that should have been the time for the director to be his own travelling agent, and to go abroad, and to do himself what he appeared to have done this winter with the assistance of this Mr. Mündler. He was now obliged, unwillingly, to allude to the personal part of this question. He had the pleasure of Sir Charles Eastlake's acquaintance, and he knew that he was possessed of most estimable and amiable qualities and of high literary abilities, and was a thorough gentleman. But it was his duty to the public to state that he thought the Government, in giving to Sir Charles the appointment he now held, had been guilty of a mistake. For many years Sir Charles, as Keeper of the National Gallery, at a salary of £200 a year, had exercised control over the purchase of pictures. He retired from that office in consequence of the purchase of the Holbein, to which reference had been made; but soon afterwards he became President of the Royal Academy, and, *ex officio*, a trustee of the National Gallery; and he continued to act as a trustee until he was appointed director. For the last ten years he had exercised a great influence over the management of the National Gallery, and virtually it was he, and not the trustees, who were responsible for what had been done. Now there could be no doubt that the appointment of the Committee had taken place in consequence of the general mismanagement which had taken place during that period, with regard not only to the keeping, but also to the purchase of pictures. It was clearly proved before the Committee that, whereas some beautiful specimens of Italian art might have been obtained for comparatively small sums, very large sums had been expended upon pictures of an inferior kind. Sir Charles himself admitted that the concerns of the National Gallery had been mismanaged, and that mistakes had been made in the purchase of pictures which ought not to have been made by the person who should be at the head of the National Gallery. About this time last year he put a question to the Secretary of the Treasury with respect to the Treasury Minute appointing Sir Charles Eastlake, and establishing a new constitution for the institution, as he wished it to be laid on the table before the Estimates were voted; but months passed away, and it was not delivered until most hon. Members had left town—he received it at a German watering-place—and there was no opportunity of discussing it. The new constitution, although it gave the director more influence than he before possessed, also enabled the trustees, if they chose, to make themselves disagreeable, and to interfere with and hamper him; and thus did not get rid of the evil of the old constitution—divided responsibility. The director alone should have been made responsible if anything went wrong in the management as to the cleaning, the hanging, or the purchasing of pictures, and the trustees should have been merely a visiting and inspecting body. He would, in conclusion, offer a suggestion with regard to the purchase of pictures. It was, that purchases to a small amount should annually be made at foreign exhibitions, in order that English artists might instruct themselves in the schools of other countries without being put to the expense of travelling.

Mr. WILSON said, that by the Minute of the 27th of March, 1855, to which the noble Lord had referred, Sir Charles Eastlake, as director, was made solely responsible for every act done in the management of the National Gallery, though he might still confer with the trustees; yet it was difficult by any minute, doubtless, to define the duties of the person who was to be thus solely responsible. With regard to the Motion to reduce this Vote by the amount of the travelling expenses, he would say that, although Sir Charles Eastlake did travel last year, it was no part of his duty to travel, and that he could not incur any travelling expenses without the express consent of the trustees, and an application to the Treasury for that purpose. If this amount of £622 were now granted by the House, it was not therefore certain that it would be expended; but the functions of the travelling agent who had been appointed would be at an end if the House did not furnish the travelling expenses. It had been considered that Mr. Mündler was better qualified for that office than another, because as a foreigner his presence anywhere abroad would excite less curiosity and attention, than if he were an English artist of reputation. As for the purchase of this picture, which had been spoken of so much, an hon. Gentleman had said it was once valued at £50. Now he (Mr. Wilson) could only say that he saw himself a letter from Paris, which offered 60,000f., or £2,400, for that picture, at the very moment when it was purchased for the National Gallery. However, Sir Charles Eastlake would take the entire responsibility of the purchase, and none belonged to Mr. Mündler. If the value of that picture were to be tested by what those who wished to purchase it would give for it, it had been got below the market price. With regard to the office of secretary, it had been thought best to join that with the office of Keeper, and that the salary should be sufficiently high to command the services of a competent person. The duties were important, including the preparation of a catalogue, which, when completed, would comprise a most interesting history of art. These appointments were made after Lord Aberdeen himself had devoted as much attention to the subject as a Minister could spare; and although much party feeling prevailed upon matters of art, and any appointment which could be made was sure to be objected to by some, he believed they were the best that could have been made.

Mr. W. EWART agreed in much that had been said by the noble Lord (Lord Elcho) with regard to the trustees. He (Mr. Ewart) had also been a Member of the Select Committee, and proposed that there should be no *ex officio* trustees. The Committee agreed to this Motion. He had also great doubts whether the honorary trustees ought to have been continued. The director was held to be solely responsible, and these honorary trustees impeded, instead of assisting him—they bore down his judgment, and destroyed his sense of his individual responsibility. The Secretary of the Treasury admitted that this was an anomalous appointment, and he hoped that the Government would, in time, dispense with the honorary trustees. If the director wished for advice and counsel, let him consult two men of equal knowledge and taste. He thought it a wise suggestion of the noble Lord, that we should buy specimens of the contemporaneous art of foreign countries, and thereby enable our artists to widen their ideas and impart to them an European character. He (Mr. Ewart) would readily bear testimony to the qualities of Sir Charles Eastlake; but Sir Charles, himself, acknowledged that he had devoted himself mainly to the study of Italian art, and it might, therefore, be doubted whether he had so extended a knowledge of the various schools of painting as was desirable in the director of a National Gallery. But Sir C. Eastlake had adopted some very good suggestions, among which might be mentioned the affixing of the name of the painter and the subject of the picture upon the different works of art. The historical catalogue would also be of great use.

Mr. T. BARING, as one of the trustees of the National Gallery, wished to inform the hon. Member (Mr. Ewart) that the trustees under the new Minute were only a counselling body, and not an executive body. They could not interfere with the responsibility of the director or hamper his proceedings, but they would, where they saw reason, support by their opinion his representations to the Treasury, either about a purchase or any other money. It had been the unanimous wish of the trustees to resign, if it were thought that their retirement would tend to the better management of the Gallery, and it was only on the representation of the director that he wished to have the advantage of their counsel and advice that they consented to remain in office. The trustees were unanimous in thinking that the management of Sir Charles Eastlake had been most satisfactory up to the present time, and they were happy to see in the National Gallery a director of knowledge, taste, and discretion, and upon whom perfect reliance might be placed. The travelling agent was a man whose knowledge of pictures had been confirmed by the opinion of others. A foreigner was, he thought, better qualified to fill the office of travelling agent than an Englishman, since he was less likely to belong to a party. In the fine arts, a difference of opinion displayed itself which often took the shape of party feeling.

Lord ELCHO said, that the Secretary of the Treasury appeared to be under the impression that the trustees had no power to control the director; but he would read the portion of the Minute relating to the appointment of the Board of Trustees. It was as follows:—

"In the event of a director proposing the purchase of any picture, the trustees may either sanction such purchase on the grounds submitted, or, if they object to sanction it, and the director should still propose to act on his own opinion, they may cause their dissent, together with their reasons, to be entered in the minutes, and the whole proceedings shall be submitted to Parliament along with the annual report on the Gallery, which will in future accompany the Estimate."

He must be a bold man who, in the face of such a protest, should persist in pressing the purchase of a picture. The Secretary to the Treasury said that Mr. Wornum was engaged in a most important work; but the public would rather be in the possession of paintings than the history of paintings, and would prefer to spend the salary of this unnecessary officer upon pictures. If he had a seat in the House next year, he should move that the salary of the Keeper be reduced from £750 to £300, and that the travelling agent be knocked off altogether.

Viscount GODERICH said, he thought that no satisfactory reason had been given why the travelling expenses of the travelling agent should be paid. It would be better that the director of the National Gallery himself should go abroad and get all the requisite information from trustworthy persons residing in the several towns on the Continent. He thought there was ample ground for taking the course recommended by the hon. Member for Stafford (Mr. Otway), unless the Government could give some better explanation, and he trusted he would persevere until something satisfactory was elicited.

Mr. GLADSTONE said, he was not able to support the Motion for the reduction of this grant: at the same time, he did not think that the establishment provided for the National Gallery stood in a position altogether satisfactory. He understood the Secretary for the Treasury to say, that the appointment of Sir Charles Eastlake, on which other appointments depended, was made in conformity with the judgment of the Earl of Aberdeen. His hon. Friend knew well that the appointment was not made by the Earl of Aberdeen. The appointment stood over at the time the noble Earl quitted office, and was not made until afterwards. He was not prepared to question the propriety of that appointment. He did not presume to form an opinion upon it, and he was quite aware that the name of Sir Charles Eastlake did not require any testimony which he could render. Nor was he of opinion that the Committee were not warranted in recommending a salary of £1,000 a year to a gentleman of great reputation, experience, and skill in art; always, of course, acting under the supposition, that if not his whole time, the greater portion of his time, would be bestowed on the duties connected with the National Gallery. He saw no reason why he should not say there what he had said elsewhere, that whatever were the duties connected with the transition state of the National Gallery, and the formation of the catalogue, which no one could doubt was an important work, yet that the total expense of £3,000 a year for mere salaries in connection with a gallery of the extent of our gallery was somewhat heavy, and that it deserved the consideration of the Government with a view to some more economical arrangement. When in office, he certainly felt it his duty to make some inquiry as to the expense at which other great foreign galleries were conducted and maintained. All would admit that nothing could be more satisfactory than the condition in which the pictures were maintained in many of the great galleries abroad; no one would impeach the skill and competency of those who were charged with the custody of those galleries; and he was bound to say that, so far as he could learn the particulars, the cost at which those galleries were managed in foreign capitals was not such as quite to justify the scale of salaries which had been adopted in this country. He did not speak of the single salaries given to a director of such experience and character as Sir Charles Eastlake. He merely spoke of the aggregate expenditure of £3,000 a year in connection with the management of the National Gallery. He ventured to hope that further consideration would be given to that question, because he could not help thinking that prudent arrangements on the part of the Government would spare the nation some part of the charge; and, although he was certain the House of Commons would not begrudge the expenditure of any money necessary for the extension of the National Gallery to make it worthy the great objects they had in view, yet they would not pledge themselves to needless and unnecessary expenditure either in that or any other department of the State.

Mr. THOMAS BARING reminded the right hon. Gentleman that most of the galleries abroad were already formed. It seemed to be the feeling of the House and country that great additions should be made to our gallery, and, if that were so, additional expense must be incurred.

Mr. STIRLING said, he was under the impression that the salary of the chief director of the Louvre was 40,000f., and any one who had attended the parties given by that gentleman would be inclined to suppose that his pay was on a scale of great liberality. As to the sum of £13,000 to which some hon. Members objected, the French Government had given £25,000 for a single picture at Marshal Soult's sale. Sir Charles Eastlake had never ventured to emulate, and, he hoped, never would emulate, that style of expenditure. The right hon. Gentleman (Mr. Gladstone) said no one would impeach the skill with which foreign galleries were conducted. But he (Mr. Stirling) possessed a thick octavo volume wholly composed of pamphlets written against the present directors of the Louvre, and he had no doubt they might fill a large library with productions of the same kind. Sir Charles Eastlake had been sufficiently defended, but, with regard to Mr. Otto Mündler, terms had been used by the hon. Member for Stafford which were unfair towards any gentleman who was not present to defend himself. When the hon. Member came to explain the imputation against Mr. Mündler, it appeared to be simply that Mr. Mündler had been led by his imagination to conceive a picture to be an original which was only a copy. That was an accident which might happen to any picture-buyer, and he had known persons transported by these imaginations to believe in the possession of a Raphael. Two or three years before Mr. Mündler received his present appointment he heard him mentioned by several artists in Paris as a person remarkable for his honesty and integrity. He wished to ask the Secretary for the Treasury how it was that only one of the thirteen pictures mentioned in the Estimate, and which it was generally understood were purchased last autumn, had yet appeared in the gallery, and that one a picture on which the criticism had not been generally very favourable.

Mr. WILSON said, the picture now placed in the National Gallery was purchased in London. It was brought from Vienna, almost entirely at the expense of the seller, and, being in London, there was no difficulty in placing it for exhibition. The other pictures were bought abroad. Some had not yet arrived in this country, and those which had arrived were not yet unpacked and framed.

Mr. GLADSTONE said, it would be expedient to have information laid on the table of the House as to the scale of salaries for the management of foreign galleries. These, he thought, could be procured through the agency of the Foreign Office.

Viscount PALMERSTON said, that when the present Government was formed he was told that Lord Aberdeen's Government had nearly arranged what they thought was best to be done with regard to this establishment; and it appeared to him that on the whole those arrangements were the best which could be adopted. With respect to the salary of the director, he concurred with his right hon. Friend (Mr. Gladstone) in thinking it not too great for the duties required. It certainly seemed to him that advantages might arise from having a travelling agent competent to form a preliminary judgment on pictures, who should travel for the purpose of ascertaining where there were pictures, the purchase of which it was desirable to negotiate. They could not know what pictures deserving of purchase were in the market unless some person of judgment went to see them. That person could not go to a town without its being known on behalf of whom he appeared and what his duties were, and, therefore, any objection that his appearance tended to raise the price of pictures, was inherent to his engagement. With regard to Sir Charles Eastlake, he had no hesitation in concurring in the previous determination that he should be director, because his high character, his great knowledge of art, and his professional ability as an artist pointed him out as undoubtedly fit to hold the office intrusted to him. The hon. Gentleman had read a great number of newspaper attacks on Sir Charles Eastlake. He defied any one to point out any artist, who could have been appointed to the situation, who would not have been immediately a butt for the anonymous attacks of every disappointed competitor. Whatever the general merits of professions might be, it was a fact, which unfortunately did not admit of controversy, that in every profession there were individuals with whom personal resentments had greater influence than the interests of truth or the welfare of the community. Nobody who enjoyed the friendship of Sir Charles Eastlake and knew what his merits and attainments were, would allow his judgment to be warped to the prejudice of that gentleman by such censure as the Committee had been doomed to listen to that evening; and, as for Sir Charles Eastlake himself, he had far too much good sense to allow his serenity to be disturbed either by the anonymous communications which appeared in newspapers, or by the additional publicity which the hon. Member (Mr. Otway) had given to such unworthy attacks.

MR. HARCOURT VERNON, having observed that the information to which the right hon. Gentlemen the Member for the University of Oxford had alluded was contained in documents already presented to Parliament, remarked that he believed the hon. Member for Perthshire (Mr. Stirling) to be mistaken as to the salary of the director of the Louvre, which was, in fact, about £800 a year. He must also, in justice to the trustees of our National Gallery, state that there was no foreign gallery in which the pictures did not suffer more than in ours. No evidence had been shown to the Committee of any serious injury having been inflicted upon our pictures, whereas there was no foreign gallery in which the practice not only of scrubbing but of repainting did not prevail.

MR. OTWAY replied, observing that the Committee had not been dealing with anonymous slanders, but rather with the criticisms of all the most eminent journals in the empire, as also with those of reviews and periodicals, to some of which Members of the present Government had at one time contributed. Every magazine of character, every newspaper worth anything — nay, more, the very Gentlemen who had been appointed by the Government to high office—Mr. Hurlstone, President of the Incorporated Society of British Artist, and Mr. A. Stevens, the gold medallist—had commented with severity on the proceedings and purchases of Sir Charles Eastlake. Nothing had fallen from him (Mr. Otway) in disparagement of Sir Charles Eastlake's character. He knew that gentleman to be an honourable man and an excellent artist. He only dealt with his acts as connected with the National Gallery, which were obvious to every one who visited that establishment —and which, indeed, were condemned by his own evidence before the Committee of 1853. With respect to the item for travelling expenses, he (Mr. Otway) still adhered to the opinion that it was indefensible, and, even though the result should be to forfeit the services of Mr. Otto Mündler, he should divide against it.

The Committee *divided*:—Ayes 72, Noes 152: Majority 80.

Vote *agreed to*; as were also the two next Votes.

(11.) £4,609, Magnetic Observations.

(12.) £500, Royal Geographical Society.

(13.) Motion made and Question proposed—

"That a sum, not exceeding £2,000, be granted to Her Majesty, in the year ending the 31st day of March, 1857, to enable the Royal Society to carry on certain experiments for Public Objects."

MR. BLACKBURN observed that the Government, after inquiry, withdrew this Vote last year on the very proper ground that the Royal Society was quite able to conduct its experiments at its own cost; but for some unaccountable reason they subsequently made the grant out of the fund applicable to Civil Contingencies, and one-half of the present Vote was intended to repay that advance. The grant, however, was wholly unnecessary; and if the Committee were sincerely in favour of economy here was an excellent item with which to begin. He begged, therefore, to move the reduction of the Vote by £1,000, in order that it might be entirely discontinued in future.

Motion made, and Question proposed—

"That a sum, not exceeding £1,000, be granted to Her Majesty, in the year ending the 31st day of March, 1857, to enable the Royal Society to carry on certain experiments for Public Objects."

THE CHANCELLOR OF THE EXCHEQUER explained that this annual grant of £1,000 originated in an application made to the noble Lord the Member for the City of London, when at the head of the Government, by the Royal Society, for pecuniary assistance to enable it to conduct scientific experiments for public objects. The grant was made for several years from a certain charitable fund under the control of the Treasury, and without being brought under the notice of the House. Last Session, however, the attention of his noble Friend (Viscount Palmerston) having been called to the fact that the payment was not strictly regular in respect of the source from which it was taken, the grant was suspended until it could be further considered. This step gave rise to a strong remonstrance on the part of the Royal Society, which, backed by many eminent scientific authorities, represented to the Government the serious prejudice that would be done to its valuable researches by the withdrawal of a contribution on which they had depended for a series of years. This induced him (the Chancellor of the Exchequer) to make the usual payment for last year, but he did so out of a different fund, and one subject to the review of Parliament—namely, the Civil Contingencies. Believing the grant to be really usefully applied by the Royal Society, he hoped the Committee would agree to its continuance, and also allow the sum advanced for last year, under the circumstances he had described, to be now replaced.

Mr. BOWYER inquired what was the nature of the experiments to which this Vote was appropriated?

The CHANCELLOR of the EXCHEQUER could not precisely state, but an account of them was contained in a letter to the Treasury, which would be produced if the hon. Gentleman chose to move for it.

Mr. TITE supported the grant, which, he said, was expended under the supervision of a Committee of forty eminent scientific and professional men, upon experiments for testing the strength of materials, for experiments in anatomical science, and other objects calculated to be of the greatest advantage to the community generally.

Mr. MOWBRAY thought the Vote ought to be postponed until the Committee had further information as to its necessity and its application. It was somewhat remarkable to find the hon. Member for Bath (Mr. Tite), a prominent advocate of the Administrative Reform Association, so ready to defend this questionable expenditure.

Viscount PALMERSTON believed that no man could seriously doubt the importance to the community at large of the prosecution and extension of scientific investigation. It was impossible, moreover, for any one to tell beforehand how far the resources of the country might be improved by the results of scientific discovery. But experiments conducive to the advancement of science frequently required the expenditure of sums which the persons most competent to carry them on were unable to defray from their own means. Representations had been made to the Government by the most eminent men connected with science, that not only the Royal Society itself, but the cause and the interests of science generally, would suffer if the small assistance which Parliament was now called upon to afford for scientific experiments were withdrawn. He thought that an equal sum of money could not be applied to purposes of greater public utility than the Vote which was then under consideration, and the Committee had on this question the high authority of the hon. Member for Bath, who fully appreciated the importance of the objects to which the grant was applied.

Mr. JOHN MACGREGOR thought that science had been discouraged in this country rather than assisted. It was impossible to look to what had been done for science in France, Austria, Prussia, and that country which we were pleased to call barbarous, Russia, without feeling that no class of persons was so much discouraged in England as scientific men. He entirely concurred with the noble Lord (Viscount Palmerston), and thought that much more ought to be done for scientific objects.

Mr. HEYWOOD said, Parliament had already been presented with the details of this grant. There was a paper presented last year which contained the details of the expenditure of £5,000. He was only sorry there was not a similar one given this year, because there was no secret about it; it was a perfectly open vote. There was no gain to men of science personally from this grant; it went into no individual's pocket, but was expended in experiments. Out of it there was a sum of £150 given for the verification of meteorological instruments in navigation used on Her Majesty's ships, and there was a great gain to the mercantile interest, and also to the navy, in having these instruments of the most perfect kind. The British Association for the Advancement of Science also gave money for the same object.

Mr. BLACKBURN observed that, after the explanations which had been given he would not press his Amendment, and

Motion, by leave, *withdrawn*. Original Question put, and *agreed to*.

House resumed.

SUPPLY—REPORT.

Mr. FITZROY brought up the Report of the Committee of Supply. Several Votes were agreed to.

On the Vote of £161,595, for the maintenance of Prisoners in county gaols, reformatory institutions, lunatic asylums, and the removal of convicts.

Mr. FLOYER said, that last year, when he mentioned the subject, the Home Secretary stated that he would give it his consideration, and see whether some more adequate provision for the treatment and maintenance of criminal lunatics could not be made than that which existed in the Hospital of Bethlem. He had not, however, been able to discover any intention on the part of the right hon. Gentleman to make such provision, although the matter was one of great importance to the country at large; and the treatment of criminal lunatics demanded the earnest attention of Government, inasmuch as they were now dispersed throughout the various county pauper lunatic asylums, and were not subjected to any restraint or confinement different from that adopted in the case of ordinary lunatics. The consequence was that they possessed facilities for escaping from these places; whilst, if further restrictions were applied to them, the effect was unfavourable to the other lunatics confined in the asylum. He hoped the right hon. Gentleman was able to give him an assurance that the attention of the Government had been directed to this subject.

Sir GEORGE GREY fully admitted the necessity of making better provision for the custody of the class of persons to whom the hon. Gentleman referred. He was in correspondence with the Lunacy Commissioners on the subject, and he hoped that arrangements might in a short time be made for effecting this object. He was not at present in a position to submit any plan to the House, but it was possible that he might be able to do so before the close of the Session.

Resolutions *agreed to.*

PUBLIC WORKS BILL.

Order for Committee read. House in Committee.

Mr. BLACKBURN moved, that the Chairman should report progress. The Bill was only read a first time on Monday last, and it was not fair to the House that a measure involving so important a principle as did this Bill, should be passed without ample time being allowed for its consideration. The principle of the Bill was that the Government should act as a bank, and should advance large sums of money to any one who asked for them, and for all sorts of purposes. The first measure of the kind was passed in 1817, when the Government was authorised to issue £1,700,000 of Exchequer bills, by way of loan, for the advancement of public works. This went on until 1842, when an Act was passed which bound the Treasury annually to pay £360,000 to a fund, out of which the Commissioners for carrying out the Act might make loans. It was, in his opinion, very doubtful whether the Government ought thus to act as a bank: and, in addition to this, he had various objections to the details of this measure. As far as he could gather from a perusal of twenty-three Acts of Parliament, which this Bill would renew, there was no check upon the expenses of the Commission. By the Act of 1842, the Commissioners had to account to the Treasury, but there was no account to that House. Neither was there any provision for the rendering to the House an account of the money lent by the Commissioners and the purposes for which it had been advanced. By a return which had been obtained by an hon. Member he found that in the year 1854 there was £4,000,000 out on loan, of which the Commissioners themselves considered £1,500,000 to be bad debts. Under all these circumstances he thought that the Bill ought to be more fully debated than it was likely to be at so late an hour (a quarter past 12 o'clock); and he therefore moved that the Chairman should report progress.

Mr. WILSON would have no objection to the Motion of the hon. Member if any reason could be stated for it; but the House was aware that the Bill was merely a continuation Bill, and that its principle had been debated over and over again. He believed that there was no institution in the country more useful than the Exchequer bill Loan Commission, which was now needed more than ever, in consequence of the numerous Bills that had been passed for sanitary purposes and the opening of new cemeteries. The Commission was appointed to grant loans upon the security of Parliamentary rates, and up to the present time it had not made a single loss, except in two cases in which advances were pressed upon it by votes of that House. The expenses of the Commission, which were small, were voted every year in Committee of Supply.

Sir HENRY WILLOUGHBY objected to proceeding with the Bill at that late hour. The principle of the Bill had not been discussed. He wished to know when the Bill was read a second time? [Mr. Wilson: On Friday.] No, on Saturday morning. From a return, it appeared that the Commissioners had incurred losses to the extent of £300,000 in England and Scotland, and of £1,477,000 in Ireland. They began by lending to other people, and ended by saddling this country with increased debt. Now the question was, whether the House was prepared to sanction the principle that had hitherto been acted on. He called on the Committee to consider whether half-past twelve o'clock was a proper hour to enter upon a discussion of a matter like this, which was one that should be thoroughly debated.

Mr. GLYN agreed with the hon. Baronet that it would not be agreeable to sit for three hours discussing the details of the Bill, but he saw no necessity for doing so. There was no new principle involved in the Bill, which merely continued the powers of the Exchequer-bill Loan Commission. Two years ago very long discussions took place upon the powers, position, and duties of that Commission, and although there was considerable difference of opinion at first, it was eventually admitted on all hands not only that the functions of the Commission were well performed, but that it conferred great benefits upon the country at large. He believed, moreover, that there was no public body in London which cost less than the Loan Commission.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 16; Noes 107: Majority 91.

Preamble *postponed.*

Clause 1 *agreed to.*

On Clause 2,

Sir HENRY WILLOUGHBY objected to this Bill being carried out by a Commission some of the members of which were Commissioners for the reduction of the National Debt—the very men who should check the acts of the Commissioners for this Bill. The name of Sir Alexander Spearman, Secretary to the Commissioners for the reduction of the National Debt, was the first on the list of those other Commissioners. Did the National Debt Commissioners ever meet? Did not Sir A. Spearman carry on the whole business that the National Debt Commissioners had the name of transacting?

Mr. WILSON said, that the persons who constituted the Commission appointed to execute the Act were gentlemen of the highest character, such as Sir Alexander Spearman and Mr. Hubbard, lately Governor of the Bank of England. The Commission had been in existence for a considerable time, and had discharged their duties to the satisfaction of the country.

Sir HENRY WILLOUGHBY said, that his observations referred not so much to the Commissioners appointed to execute the Act as to the Commissioners of the National Debt. It appeared, from a paper which had been laid upon the table of the House, that £8,000,000 had been given in the shape of loan; and that of that sum £1,800,000 had been lost to the country.

Mr. WILSON was not acquainted with the paper to which the hon. Baronet referred, but he might state that the public had never been a loser by any loan into which the Commissioners appointed to execute the Act under consideration had entered, except in two instances; the one, the case of the Thames Tunnel, and the other one which he could not at that moment recollect. He might add that, in the two instances to which he had alluded, the loan had been rendered compulsory upon the Commissioners by a Vote of that House.

Mr. LIDDELL said, he did not think that the Bill ought at that late hour (one o'clock) to be proceeded with. He should therefore move that the Chairman should report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 28; Noes 79: Majority 51.

Clause 2 *agreed to.*

Clause 3.

Mr. BLACKBURN said, he thought an annual account ought, under the operation of the Bill, to be presented to Parliament and the country with reference to the nature and results of any loans that might have been made.

Mr. WILSON said, there was an account annually made up by the Commissioners; but if the obligation did not extend with reference to those accounts quite so far as the hon. Member suggested, he (Mr. Wilson) should take care that upon the third reading a clause with that object should be introduced into the Bill.

Mr. MOWBRAY hoped the Government would not proceed further with the

Bill that night. He should move that the Chairman report progress.

VISCOUNT PALMERSTON said, that, after the intimation which had just been given by his hon. Friend the Secretary to the Treasury, the House would have no objection to go on with the Bill.

Motion *withdrawn.*

Clause *agreed to;* as were the remaining clauses of the Bill.

The House adjourned at a quarter befor Two o'clock.

HOUSE OF LORDS,

Tuesday, April 8, 1856.

MINUTES.] *Sat First in Parliament.*—The Lord Wharncliffe, after the Death of his Father; the Lord Truro, after the Death of his Father.
PUBLIC BILLS.—3ª Agricultural Statistics.

THE STEAM NAVY—OBSERVATIONS.

THE EARL OF HARDWICKE, after *presenting* a petition respecting a steam postal service with the Australian Colonies, said, he wished to address a few words to their Lordships upon a subject of which he had not given notice, but he trusted that in doing so he should not be considered as unnecessarily or presumptuously trespassing on their attention. At this moment there was assembled at Spithead a very large naval force, consisting of all descriptions of vessels of war, from the largest three-decker down to the smallest gunboat. All these vessels were propelled by steam, and he understood that they were assembled for the purpose of a great naval review. Now, he was not going to make any comments upon naval reviews; he was not going to say that of all the sights he had ever seen a naval review was the most useless and the most expensive; because the Government had, no doubt, their reasons for what they proposed to do, and therefore he would not enter upon that. There was one point connected with the subject, however, that was of vast importance to the country and well deserving the consideration of the Government. It was this; that having collected these vessels of various sizes and construction, provided with steam engines of all sorts, and gun-boats of peculiar form plated with iron, an excellent opportunity was thereby presented for making practical experiments with regard to the best form of floating body propelled by steam for the purposes of speedy navigation; also as to the form and construction of the various steam engines.—One of the most useful measures to the country at this particular juncture would undoubtedly be a classification of steam engines in the same manner as the masts, sails and other stores of vessels used formerly to be classed. By this means whenever a steam engine required, say a new piston-rod, it could at once be supplied with another of precisely the same size and class, whereas, as at present arranged, if a vessel of war happened to break her piston-rod the greatest difficulty was experienced in fitting a new one, because there was no classification of size. Experiments might also be made with the view of ascertaining whether the floating batteries, plated with iron, were really suitable to the purpose for which they were designed; and whether the new steam gun-boats were really fit to go to sea with all their guns on board. Upon the last-mentioned point he confessed that he entertained very great doubt. His impression was, indeed, that they would be unable to maintaim themselves against a heavy sea, and that, if forced, they would go down head foremost. Further, he doubted whether the iron plates with which they were covered were capable of resisting shot; his idea was, that a thirty-two pounder would go right through them. Such an opportunity for making these experiments might not occur again, and he trusted the Government would not let it pass by without availing themselves of it for that purpose.

THE LATE LORD TRURO AND CHANCERY REFORM.

THE LORD CHANCELLOR said, that before proceeding to the Orders of the Day, he was anxious to set himself right with his noble and learned Friend (Lord St. Leonards), if indeed he had been considered by his noble and learned Friend to be in the wrong, upon a subject referred to by him on the night of the adjournment for the Easter holidays. On that occasion it would be remembered that a noble Marquess, not now present (the Marquess of Lansdowne), announced the presentation of the late Lord Truro's library to the House of Lords, and his noble and learned Friend (Lord Lyndhurst) having pronounced a warm but well-deserved panegyric upon that noble and learned Lord, he (the Lord Chancellor) added a few words—unnecessarily he admitted, but which he, nevertheless, thought in some degree called for—with the view of showing that the late Lord Truro had never had full justice accorded to him in the matter of the important reforms which had been effected in the Court of Chancery. What he said was, that soon after his appointment as Lord Chancellor, Lord Truro issued a Commission, from whose report those reforms emanated—two Bills having been introduced into the House of Lords for that purpose, and one in the House of Commons, the latter having reference chiefly to the finance of the Courts. Undoubtedly the two Bills by which the main reforms had been effected were introduced into their Lordships' House by his noble and learned Friend (Lord St. Leonards) when he succeeded the late Lord Truro in the Chancellorship, but he had always been under the impression that Lord Truro had given his attention to the preparation of those Bills. In this respect it appeared that he was supposed to have given to the late Lord Truro credit to which his noble and learned Friend (Lord St. Leonards) was entitled. He assured his noble and learned Friend that he had no sort of intention of depreciating his exertions in the slightest degree in the cause of Chancery reform; on the contrary, he stated distinctly that the merit of introducing and carrying the Bills through was due to his noble and learned Friend, though he had stated that the origin of the Bills was the Report of the Commission which was appointed at the instigation of Lord Truro.

AGRICULTURAL STATISTICS BILL.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

The Duke of RICHMOND said, he wished to address a few observations to the House in consequence of the strong feeling which existed amongst the great body of farmers in the eastern division of Sussex, who had presented a petition against the Bill; and he confessed he was not at all surprised that the farmers of England should entertain great suspicion of any measure affecting them that was introduced in their Lordships' House, because they had not yet forgotten the way in which they had been treated by the House in 1846. He was not prepared to go the length of saying that it was undesirable or objectionable to collect agricultural returns; but he did contend that it was premature to bring in an Act of Parliament rendering the returns compulsory. In some parts of the country returns were already made voluntarily, and if the Government had waited only a few years, in order to allow the farmers in other parts of the country to see that there was no danger of mischief being inflicted upon them, they might then have passed a Bill to enable them to collect these returns in a manner that would be acquiesced in by all parties. But, after all, he did not see what use these returns were to serve. It was proposed to spend £25,000 a year for the purpose, and he thought they would find in the end that the returns were a great deal too dear. Besides, in his opinion they were beginning at the wrong end. Before they proceeded to ascertain the quantity of land sown with a particular description of seed, and the number of cattle, sheep, and horses in the country, why did they not turn their attention to the amendment of the system of taking the averages upon corn? Everybody knew that a grosser delusion than these averages now were, never had existed and never could exist; and it was not denied by any one that the returns were not to be relied upon, and that consequently they were not of the slightest use. It was a matter of the utmost importance, not only to some landowners, but to the great body of the tenantry, that the averages should be fairly taken, because at this time the rents on a great many estates in England were based upon the average price of wheat and other cereal produce. The returns which were yearly laid on the table of the House were, he repeated, a gross delusion, inasmuch as a large portion of the corn sold in England was never included in them at all, and an enormous quantity of bad corn was never sent to market. He thought, therefore, that Parliament would have done better if it had, in the first place, employed the £25,000 a year now proposed to be expended for the purpose of rectifying the averages by securing correct returns. He also objected to the machinery which the Bill contemplated for collecting the returns, on the ground that the Poor Law guardians were appointed for a particular purpose, and that they ought not to have their attention drawn from that most important of all subjects, the relief of the necessitous poor, and have the power conferred upon them of collecting these returns from the farmers whose servants they were. Although, for the reasons stated, he protested against the Bill, and especially the penalties it imposed, which were outrageous, he did not anticipate that the measure would have the bad effect which some appeared to imagine. He would not, therefore, oppose the Motion for the third reading.

LORD WODEHOUSE believed that the apprehensions which had been entertained in some quarters in respect to the present measure were perfectly groundless. In his own neighbourhood, when he had explained to the agriculturists that there was no inquisitorial object in view and that the sole purpose of the Bill was only to collect for general use such facts as were notorious in each district, the objections previously felt to the measure were removed. There was no doubt that the returns to be made under the Bill would be very valuable both to the country and to Parliament.

THE EARL OF MALMESBURY said, that one point in connexion with this subject which had created apprehension was the power given to the Board of Trade to call for returns, and he wished to know how far this power would extend, whether it would be confined to the amount of produce, or whether the amount of rent paid might be also included in the schedules?

LORD STANLEY OF ALDERLEY replied that the power which the Board of Trade would have would be to increase or diminish the number of schedules in reference to the different crops and animals and did not extend to any question of rent. He was glad to find that the noble Duke did not intend to oppose the further progress of the Bill, and he believed that it would be found on experience that the farmers had no indisposition to give the required information. The noble Duke had said, that the Government would have done better to direct their efforts to improve the corn averages, and he quite agreed that it was very desirable to have some improved mode of obtaining them; but they could never have a fair and accurate test of the whole quantity of corn sold in the country unless compulsory returns were made of every transaction both in public and private. Since the Committee of last year the attention of the Government had been directed to the corn averages, which had been very imperfect, and directions had been given that the returns should be made with greater accuracy. That step had been followed with success, and the returns were more numerous and extensive during the present year than formerly. The attention of the Government was still directed to the same object; but, though it was possible to get returns of all corn sold in market towns, it was not possible to obtain returns of the quantity changing hands in private. The returns afforded a fair and accurate test of the price of corn, though they did not include all the quantity sold. The subject of agricultural statistics was fully considered by their Lordships' Committee in last Session, and the evidence proved that anything like a universal return was not to be expected without the enactment of a compulsory power; but no apprehension need be entertained that the power would be exercised vexatiously. In an analogous case—the collection of the Census—a compulsory power was given; but in no single instance had it been necessary to exercise that power; and in the present case he believed it would be hardly necessary to have recourse to the compulsory power. With regard to the penalties, it was the wish of the farmers that the magistrates should have a discretionary power to impose them, in order that they might be sure that information would be obtained from their neighbours as well as from themselves. It gave him great pleasure to find that noble Lords on both sides of the House were impressed with the importance of this subject; and he had no doubt that the farmers of this country would readily furnish as accurate *data* with regard to the nature and produce of their crops as the agriculturists of Scotland had done. In conclusion he would remind their Lordships of the importance of the co-operation of the gentry and landed proprietors in the work of obtaining the information they required.

THE DUKE OF RICHMOND said, that if this bill became law he should of course advise the farmers to obey it, and he had no doubt they would do so to the best of their ability; but he thought that the money to be expended in endeavouring to carry it out would be entirely thrown away.

LORD ABINGER said, he had not heard any statement of the benefit which was to be derived from the information sought to be obtained by means of this Bill. The farmers did not wish for it, and, although they might obtain returns of the number of acres planted in a particular manner, he could not understand how they could get information as to the produce of those acres.

Motion *agreed to ;*
Bill read 3ᵃ accordingly, and *passed*, and sent to the Commons.

INDIAN FINANCE.

The Marquess of CLANRICARDE, in calling the attention of the House to the subject of Indian finance, said, he did not intend to enter into a detailed exposition of the character and amount of the taxation of our Indian empire, but only to remind their Lordships that it was high time for Parliament to consider that subject. Agreeing with Sir Robert Peel in the opinion that Indian credit was, in fact, English credit, and Indian debt English debt, he had been much surprised to find, upon referring for information to the Indian financial accounts laid before Parliament every year in pursuance of the Act of 1834, that on no occasion had it been thought necessary to print and deliver those accounts to that or the other House of Parliament. It was also a remarkable fact, that although educational and a variety of other questions were entered into by the Committee of 1852–3, yet into this great question of finance they did not enter; and he would therefore trouble their Lordships with a few figures, derived from sources that were accessible, showing the progressive state of the income and expenditure of India, both positively and relatively. In 1834, the general revenue of India amounted to £18,016,918. He would not quote its increase during successive years, but in 1851–2 it appeared, before a Committee of the other House, that the income had increased to £25,536,634, being an increase of £7,519,716. He offered no opinion upon the question whether the increase of revenue indicated the increased prosperity of the country; but of this increase £4,860,479 was from old sources, and £2,311,237 from territories that had been acquired in the interval between 1834 and 1851. In those seventeen years the increase of debt was £12,912,607; the total debt on the 1st of May, 1834, was £38,986,720; on the 1st of May, 1851, the total debt was £51,899,327. The increase of the annual income being £7,500,000, and the increase in the debt being £13,000,000, there was nothing very alarming in that state of things unless their Lordships should think that the debt had been increased by unprofitable expenditure. It appeared, however, that £5,000,000 of the £13,000,000 of increased debt had been laid out in public works. During seventeen years there had only been a surplus in five years; in twelve years there had been a deficiency. He was a Member of the Government which selected and sent to India Lord Dalhousie as Governor General. That noble Marquess was selected entirely because, under all the circumstances, he was considered the best man that could be sent; and his conduct had fully justified the selection. Under such a Governor General the finances of the country would not have gone on in an unsatisfactory state, unless there was something in the system of Indian government which was beyond the control of the Governor General, and it therefore behoved Parliament to examine very narrowly into this subject. In 1848–9, the excess of expenditure over revenue was no less than £1,473,115. In that year the expenditure was increased by the operations in the Punjab. In 1849–50, there was a surplus of revenue over expenditure of £354,837; in 1850–1, a surplus of £415,866; in 1852–3, a surplus of £424,257; in 1853–4, there was a deficit of £2,044,117; in 1854–5, a deficit exceeding £2,500,000. The deficit in the years above quoted was £6,066,442, and the surplus £1,725,725, leaving a balance of deficit of £4,334,727. He was afraid that the account of the revenue and expenditure of the year ending this month would also show a deficit. If the revenue and expenditure were so badly managed under such an administrator; and if, at the end of six years, the deficit had been increased by upwards of £4,000,000, the state of Indian finance demanded the grave consideration of Parliament. The total charge in 1854–5 was £22,915,160. The total income in 1854–5, was only £20,371,450, being a diminution since 1851 of £5,165,184. There was, therefore, nothing satisfactory in the aspect of Indian finance at the present moment. But, as our territory had been much increased lately by annexation, it might be expected that the new territory would be productive of a large increase of revenue. He would not go into the general question of annexation, but he had endeavoured to extract from the papers before the House the value of the different territories annexed of late years. The total revenue of the five recent annexations to our Indian empire was £2,346,980. In three of them, Scinde, Sattara, and the Punjab, there was a surplus of expenditure over income of £389,521; and in the other two, Nagpore and Pegu, there was a surplus of £242,585; the balance being £146,936 deficit. These figures did not include many military and civil charges. This was a subject which demanded inquiry, to ascertain whether the expenditure could be brought within the revenue, or the revenue raised so as to give a fair surplus over the expenditure. In the Madras Presidency, Lord Harris proposed to reduce the land tax one-third. That tax yielded £3,033,000, so that there would be a future decrease of revenue from this source of about £1,011,000. Therefore, the revenue which had fallen from £25,000,000 in 1851 to £20,000,000 in 1854, was still further to be reduced by the amount of more than a million. It was impossible to suppose that Lord Harris would propose the diminution of the land tax if he did not consider the ryotwarry system, under which it was collected, most detrimental to the country, and he believed that to be the case. But no Governor or Government could enter upon a course of material improvement, unless the financial condition of the country was in a tolerably sound state. It was said that the Government of India must make railways, that they must advance money to construct canals for the purpose of irrigation, and that they must promote other improvements; but they could not expect the Government to do those works, unless the expenditure was reduced within the income of the country. He was sure no Indian Government could of itself make the changes which he believed were necessary to effect these objects. Not only must it be done by the authority of the Home Government, but by the direction of the Ministry, and under the pressure of Parliament. Any Governor General who attempted to make large reductions of establishments would become so unpopular that he would lose all power in India. The Home Government must coerce the Indian Government into that course of action which, upon deliberation, was considered most desirable. He had stated generally the facts which justified his directing their Lordships' attention to this subject, and he hoped the Government would be able to produce the specific accounts of the total disbursements of the Indian Government for military expenditure, distinguishing payments made on account of Her Majesty's European troops serving in India from those made for the Indian army—specifying, as far as possible, the military charges incurred in the lower provinces of Bengal, in the North-Western Provinces, in the Punjab, in Scinde, in Pegu, and in the territories of Madras and Bombay Presidencies. The noble Marquess concluded by moving—

> "That the Accounts respecting the Annual Territorial Revenues and Disbursements of the East India Company for Three Years (1851-52, 1852-53, 1853-54), according to the latest Advices, with a Statement of the same for the succeeding Year partly estimated (delivered on the 13th of March last), be printed."

THE DUKE OF ARGYLL said, the Government had no objection to the production of the paper moved for by his noble Friend, but it would be difficult to estimate the exact proportion of the military charges which belonged to each of these provinces. It would be easy to give the military charges for the different presidencies and for the North-Western Provinces, and if a more detailed return could be made it should be prepared. Probably, with that assurance the noble Marquess would be satisfied. As far as he could gather from the speech of the noble Marquess, his object in moving for these papers had reference to the general question of annexation, but he would guard the House against the inference that because large military expenditure was incurred in particular frontier provinces for the protection of the whole empire the whole of that expenditure was to be carried against the income of those provinces, and the result taken as conclusive with respect to the general question of annexation. He did not anticipate from the terms of his Motion that his noble Friend would have gone into a general statement of the financial condition of India, and into that statement he declined to follow him. Whatever might be said as to the financial position of India, it could not, he thought, be very unsound, because at the present moment the Indian Government could, on its own credit, borrow almost any amount of money at the rate of not more than 4½ per cent. With regard to the excess of expenditure over income during recent years, it had, to a great extent, arisen from the carrying on of extensive public works. Some of these works might not be immediately productive, but they were matters of the first importance, without attention to which we could not hope for the progress, either moral or economical, of India. He should, for his own part, be glad to see continuous attention given by Parliament to Indian affairs, believing that the greatest advantage would result from it.

LORD MONTEAGLE urged upon those who were charged with the government of India the importance of affording to the Legislature regular and detailed information as to the affairs of that empire, in order that Parliament and the country might not—as they were at present—be dependent upon the result of desultory Motions moved by noble Lords or by Members of the other House for a knowledge of the condition and prospects of India. The periodical renewal of the East India Company's Charter had the very useful result of presenting an occasion for the discussion of Indian affairs, for which the Government and other persons interested in the management of our Indian empire, were forced to prepare themselves. He hoped that the Government would not be carried away by the idea that everything must be right in India because of the rate of interest at which the Indian Government could borrow money. They might rely upon it that the Indian Government would not have been able to borrow money at so low a rate if capitalists in India were not perfectly aware that there was a distinctly implied moral guarantee on the part of this country. He hoped the Government would use every effort in their power to furnish Parliament with correct information as to the financial condition of India. His object was to get such returns annually made as should enable Parliament to see how far its intentions had been carried into effect by the local government of India.

THE DUKE OF ARGYLL said, the Government were disposed to give every information which any noble Lord might call for. His noble Friend the President of the Board of Control had recently made arrangements for the production of more complete returns than any which had yet been laid before Parliament, and made upon a better system than that which had been recommended by their Lordships' Committee. He had also added to the library of the House of Commons a very large number of detailed reports from various local commissioners, which were too voluminous to be presented in the shape of Parliamentary papers.

THE EARL OF ELLENBOROUGH doubted whether the Government of India was able to raise money at 4½ per cent. The Four per Cents were now at 16 per cent discount, which was lower than they had been at any time since immediately after the news of the great disaster at Cabul. When he went to India, he found them at 16 per cent discount, but he left them at par, and he left the revenue greater by £1,000,000 a year than it was when he went, after paying all the interest of the money he borrowed. No doubt there had been appearances of greater prosperity since, although the prosperity of the country during the time he was there was very great, for the exports and imports increased 22 per cent in two years. He was glad that their Lordships' attention had been called to this subject, for the finances of India must always be a matter of great anxiety. He did not, however, share in the apprehensions entertained by the noble Marquess in consequence of the fall in the revenue in one particular year; because even our own revenue varied very much, and the revenue of India must vary much more extensively. He must candidly confess that when he was in India, although he had gone through all the sources of revenue and had calculated them as carefully as possible, with the valuable assistance of the gentleman who was then at the head of the finances of India, and had looked forward with equal care and minuteness to the future expenditure, he had never been able to see daylight, and never could say certainly whether there would be a surplus of revenue over expenditure. Since then there had been various annexations of territory. It had been said at first that the Punjab would be a valuable acquisition, but he believed experience had modified the expectation. It had always been his opinion that the last great increase of territory which would yield any material addition to the revenue was made by Lord Clive when he annexed Bengal. That was an annexation of a rich country which required very few troops to retain it, while the others were annexations of poor countries which required very large military establishments. He would except Scinde, however, which might be called a beneficial acquisition—not that the direct revenue derived from it was sufficient to cover the expenses of the military establishment and the civil government, but because the possession of it enabled us to realise our opium revenue, and to put a stop to the smuggling of opium from the central provinces, which had materially interfered and competed with our opium trade with China. He believed the finances of India were at the present moment in an extremely difficult position; but he entertained the greatest hopes of their improvement from the able and honest exertions of the noble Lord who had recently gone out to undertake the government of the country. He believed that that noble Lord went out with the best possible intentions. He was an able man; he would listen to those who would give him information, and he had the power of weighing the value of the information he acquired and of applying it to the best advantage. From the personal intercourse he had had with the noble Lord before his departure, he believed that no man ever went to India with a more earnest desire to make his government generally beneficial to the people of India and creditable to this country.

THE EARL OF HARROWBY observed that the development of the internal resources of India by means of public works afforded the prospect of a great improvement in the financial condition of the country.

THE EARL OF ELLENBOROUGH wished to bring under the notice of their Lordships a circumstance which prevented the Indian Government raising money at a low rate of interest for their own purposes. He alluded to the guarantee of 5 per cent interest given by the Government of India for making railroads in India; and, that being the case, no one, of course, would buy the Four per Cents at par, when, with an equally good security, 5 per cent could be obtained by advancing money for the railroads.

Motion *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 8, 1856.

MINUTE.] PUBLIC BILL.—2° Nawab of Surat.

MEDALS, &c., FOR THE ARMY IN THE EAST—QUESTION.

MAJOR SIBTHORP said, he would beg to ask the hon. Under Secretary for War, whether it was ever contemplated by the Governments of France or Turkey to give a medal to the officers and soldiers of the British army in the East? and, if so, whether such medal had been declined by the British Government? also, whether the new medal, the order of merit, was likely to be issued; who were to be the recipients thereof; whether it was to be given for future services only, or to be accorded to those officers and soldiers already mentioned in the various despatches since the commencement of the late war?

MR. FREDERICK PEEL said, that Her Majesty's Government had the greatest satisfaction in accepting the offer made by the Emperor of the French to confer the war medal of France on the English army which had served in the Crimea. The medals had been transmitted to this country, and directions had since been given for their distribution to the troops. He understood that the Sultan of Turkey also intended to bestow a medal on the British army in the East; but no official communication to that effect had yet reached our Government. With regard to the new Order of Merit, any acts of gallantry performed since the commencement of the war would be sufficient to qualify any person to receive this decoration. He was yet unable, however, to state when the preliminary arrangements for the first distribution would be completed.

MAJOR SIBTHORP said, he would now ask whether a claim made for the effects and medal due to private No. 2,514, John Martin, late of the 95th Regiment, who was engaged at Alma, and, it was believed, also at Inkerman, who died in camp before Sebastopol on the 7th of November, 1854, had been refused on the ground that the soldier was of illegitimate birth? and, whether the money and Crimean medal due to private No. 3,310, James Blanchard, late of the 1st battalion Rifle Brigade, who landed with the British army in the Crimea in September, 1854, and was killed in the trenches before Sebastopol on the 22nd of August, 1855, had been refused on similar grounds?

MR. FREDERICK PEEL replied, that both the claims to which the hon. and gallant Member referred appeared to have been disallowed upon the ground he had mentioned. The usual practice, however, was, when a mother made a claim for the effects of an illegitimate son, to allow such claim provided she was able to produce a certificate showing that she was the mother of the person deceased.

INCOME AND PROPERTY TAX.

MR. MUNTZ said, that before bringing forward the Motion of which he had given notice, he hoped he might be allowed to read a letter he had received from a gentleman in Ireland, whose name he only knew from the receipt of that letter. The writer was a clergyman, who stated that he was the rector of a small parish near Dingle, and his whole income was £158 a year, out of which he had to pay poor rates amounting to £45 *5s. 7d.*, and £10 *18s. 9d.* for income tax, so that, after paying £62 for life insurance, he had only £40 left for the support of his family. The writer also stated that he had submitted his case to the Income-Tax Commissioners, in the hope that they would modify their demand, but his appeal had been fruitless. He therefore hoped that some modification of the tax would take place. He (Mr. Muntz) knew that not only in Ireland, but in many other parts of the kingdom, the operation of the tax was equally oppressive. He regretted to say that he was old enough to remember the effect of the income and property tax in the former war. In 1814, 1815, and 1816, there was a strong feeling with regard to its inequality. Not that he objected to an income tax, or rather to a property tax, in the strict sense of the term ; but it was because the present income tax was so unjust, and it was so impossible to make it just to society at large, that he objected to it. When the income tax was reimposed in 1842, by the late Sir Robert Peel, he (Mr. Muntz) supported it, because, under the circumstances in which the finances of the country were placed, there was no other remedy; and, unjust as he thought it, he preferred an attempt to restore our finances by means of a temporary income tax rather than by taxes on the necessaries of life, which would have pressed with great severity upon the poorer classes. He supported it, therefore, on that ground, though he thought, and stated that he thought, it inquisitorial and unjust in its nature. He had thereby subjected himself to much obloquy, and the Whigs, who then opposed it, abused him because he voted for it. But he supposed that when the time at which Sir Robert Peel had pledged himself to remove it—and but for that pledge he would not have supported it—he supposed when that time came that the parties who had abused him for voting for the income tax would have got rid of the tax, but, instead of that, every one of them voted for it ; it was reimposed, had continued ever since to the present day, and had been added to, the last addition being for the purpose of carrying on the war, which was, no doubt, a good reason for continuing it. In his opinion, a tax on property was about the best you could have, for it forced people to pay a large amount who could afford it, and you got it from many persons who would not otherwise contribute to the support of the State. There was, however, a wide difference between a tax upon property and a tax upon income, and he thought it most unjust to levy the same rate of taxation upon industrial and professional incomes and upon real property. It was only fair that those who had property to take care of should pay higher taxation than those who had no property. There was an old saying, that the wise conquered difficulties by daring to attack them, while the slothful and foolish shivered and shrank at the sight of toil or danger. So it was in the case of this tax. Unjust and unequal as its operation was, no attempt had been made to remedy it. Some time ago a Committee recommended that some alteration should be made, but nothing had been done. It was not at all an uncommon case for his constituents to apply to him in order to ascertain whether they had any remedy for the injustice and oppression to which they were exposed under the present Income-Tax Act. A demand was made upon those persons for a certain amount of income tax, to the payment of which they objected, on the ground that the demand exceeded the amount for which they were liable. The only resource they had was to show their books to the Commissioners ; but those Commissioners, in the majority of cases, were either opposed to them in trade, or their bankers. Consequently, they often declined to produce their books, and the result was a denial of justice ; for to make a man rob himself was as gross an act of injustice as could possibly be perpetrated. The next question for consideration was, if the tax could not be collected fairly, ought it to be maintained ? He contended that it ought not ; but he believed that it could be collected honestly in England as in other countries. No difficulty was experienced, for example, in the State of New York, where, if a man objected to his assessment, he had an opportunity of making an affidavit, which was held to be final. He saw no reason why the same system should not be adopted in England. Another grievance connected with the tax was that certain kinds of property did not pay at all. Furniture, plate, jewelry, and property of that description escaped the tax ; but a poor man, who had none of these things, was called upon to pay on what he earned. In short, the rich were allowed to escape a portion of the tax, while the poor were compelled to pay to the utmost farthing of their incomes, and in many cases even more. Within the last few months the case of the engine drivers on the railways had been represented to him. They had shown clearly that they were not paid £100 a year, after deducting certain things which they were obliged to provide at their own expense; but the only redress the poor men had been able to get, so far as the past year was concerned was, not that they should be exempt from the income tax, as they ought to be, but that they should only be taxed on an income of £100 a year, while they were not legally liable to the tax at all. The levying and collection of this tax was pursued as a mere matter of expediency, with the determination to get as much as could be got by it, whether right or wrong; and a man in business must submit to be surcharged year after year, if he did not like to expose his books and all his affairs to the world. Such a system could not be advocated by any man who had a respect for justice. Again, the tax pressed with undue severity upon the owners of house property. Take the case of a man deriving a gross annual income of £100 from, say, three houses. His payments were—property tax, £6 13*s.* 4*d.*; ground rent, £12; insurance on £600, £1 7*s.*; repairs, £6; probable loss of rent in case of voids, £2 10*s.*—in all, £28 10*s.* 4*d.*; leaving a net income of £71 9*s.* 8*d.* Yet he was taxed upon a rental of £100, or at the rate of 1*s.* 10½*d.* in the £1 on his net income. In the case of small house property the injustice of the tax was still more glaring. Take, as an example, thirteen houses at 3*s.* per week rental, giving a gross annual income of £101 8*s.* The payments were —Property tax, £6 13*s.* 4*d.*; ground rent, £12; insurance on £600, £1 7*s.*; repairs, £13; voids and runaways, £10; poor rates, £6 13*s.*; borough taxes, £6 13*s.* —in all, £56 6*s.* 4*d.*; leaving a net income of £45 1*s.* 8*d.*; on which the owner was called upon to pay at the rate of 2*s.* 11½*d.* in the £1. Thus it appeared that while landowners and fundholders were taxed at the rate of 6½ per cent, the owners of middling and small house property were compelled to pay at the rate of 10 and 15 per cent. That certainly could not be called just or right. There were other classes—for instance, those who carried on what was termed jobbing business, who were not required to pay at all; in short, the present system of collecting the tax was most unjust and oppressive, and the sooner it was changed the better.

MR. POLLARD-URQUHART, in seconding the Motion, said he did not agree with the hon. Member for Birmingham that landowners did not pay their fair proportion of their tax. In the case of land the expenses of management and other necessary charges amounted to a considerable proportion of the rental, and thus the proprietors were taxed to a greater amount than they ought to be. The tax was particularly hard upon those landowners whose estates were incumbered, for they had to pay not only to the full extent of their incomes, but even upon the sums which went to their creditors. It would be impossible to exaggerate the severity with which the tax pressed upon professional incomes and life annuities, and it was the manifest duty of the Government to capitalise all incomes, and thus make the tax fair and equitable. An attempt had been made by the Government of Lord Derby, in 1852, to modify the system, and he believed that the real reason why that plan did not give satisfaction was to be attributed to the construction of the schedules; but he was quite convinced that it was possible so to modify the present system as to greatly remove its unjust operation. If the income tax was merely a temporary tax—if it was merely a financial experiment, or even a war tax, inequalities might be allowed to exist; but believing, as he did, that in consequence of the system of commercial policy commenced in 1842, and which must be carried even still further than it had at present extended, the income tax must form a permanent part of the system of taxation, he was satisfied that it was absolutely necessary it should be considerably modified, and he sincerely hoped the Government would consent to the Motion of his hon. Friend the Member for Birmingham.

Motion made, and Question proposed,

> "That, in the opinion of this House, an equitable adjustment of the Income and Property Tax is essential to the interests of the country, particularly as regards the rates of payment upon industrial and professional incomes, compared with those derived from fixed property."

THE CHANCELLOR OF THE EXCHEQUER: It would be difficult, Sir, for the House to exaggerate the importance of this Motion, although the hon. Member for Birmingham has not gone very fully into the subject nor stated either at any length or with great distinctness the grounds upon which he asks the House to agree to reverse the policy which has been followed by this country with regard to the income tax since it was introduced by Mr. Pitt; and yet his Motion is of such extent, that, although it is brought forward in the form of an abstract proposition, it would, if agreed to, pledge the House to undertake the arduous task of the reconstruction of that tax. I will first state shortly what is the present condition of this tax. The present income tax is at the rate of 1*s.* 4*d.* in the pound, which is £6 13*s.* 4*d.* per cent, and by the existing law it is to be continued for one year from the 5th of April succeeding the ratification of peace. From April, 1858, it will fall to the rate of 5*d.* in the £1, and, according to the same law, it will altogether cease in 1860. Under these circumstances the hon. Gentleman invites the House to take a course which would render it necessary to enter upon the task of making an alteration in the principles of the existing law, and, in calling upon the House to commence that arduous undertaking, he has abstained from indicating anything beyond the most general principles upon which that reconstruction is to be effected. Hon. Members will doubtless remember that Dr. Johnson, in his *Lives of the Poets*, referring to a criticism upon Dryden's translation of *Virgil*, at the end of which the critic had placed a translation of his own, to show how it ought to be translated, says, that, whatever we may think of his verses, at all events, he is entitled to the praise of being the fairest of critics. Now, I wish I could bestow a similar praise upon the hon. Gentleman (Mr. Muntz). I wish that, while he was condemning the principle and details of the income tax, he had at the same time told us what was the nature of the tax which he would wish to substitute for it. In a Committee of Ways and Means, when we come to consider how we may best provide for the service of the year, it will be quite competent for the hon. Gentleman to move Resolutions on the subject, and if he do so, I hope that the nature of the tax which he proposes to substitute may be indicated. All taxes, whether direct or indirect, are open to serious objections, and there is no person possessing any ingenuity or any knowledge of the subject who may not be able to point out disadvantages in each individual tax. It is the very nature of taxation that every tax will produce some inconvenience, but as it is allowed that, on the whole, Government is a useful institution, and at the same time that it cannot be carried on without taxation, the only question left to be considered is what are the least bad taxes which a Government can impose. If a Finance Minister were to wait until he had discovered a tax which was absolutely perfect, or one to which no specious objection, or one to which even no valid or sound objection could be offered, I am afraid that he would have to present himself annually to the House with an empty Budget. Now, with regard to the income tax, the sum derived from it last year was £16,418,000, and it is very natural that a tax producing so large a revenue should not be levied without giving rise to many complaints; but those complaints would not justify this House, upon the general principles laid down by the hon. Gentleman, in consenting to abolish this tax before they have any opportunity of comparing it with the tax which is to be substituted in its place. The hon. Gentleman who moved this Resolution, and the hon. Gentleman who seconded it, although they differed upon some points, agreed in the principle that the rates of payment upon industrial and professional incomes ought to be lower than that upon incomes derived from fixed property. The subject appears to me to resolve itself into the question whether we should have an income tax or property tax; and, as I understand the hon. Member for Birmingham, he wishes the income tax to be repealed and a property tax substituted for it. Now, in the first place, I would wish to point out for his consideration some facts connected with the introduction of this tax. It was first introduced by Mr. Pitt during the late war, and after its introduction it underwent various alterations from 1797 to 1816, when it was repealed, having furnished the sinews of war during that great contest in which this country was then engaged. In the year 1842, the late Sir Robert Peel, profiting by the experience of Mr. Pitt, introduced it in its present form, departing in some particulars from the tax as instituted during the war, but in the main adhering to its principles; and now the hon. Gentleman (Mr. Muntz) calls upon us to depart from a system founded upon long experience, and substitute for it one of which he tells us little or nothing. I will call the attention of the House as shortly as I can to the grounds on which this great change seems to be recommended. I believe that the persons who engaged in the discussion of this question, on both sides, assumed as an axiom the well-known *dictum* of Adam Smith upon the subject of taxation; it was taken as the principle to which each party agreed to refer the solution of the question. Adam Smith says, "that the subjects of every State ought to contribute towards the support of the Government as nearly as possible in proportion to their respective abilities." Well, Adam Smith goes on to explain his meaning as follows—"that is, in proportion to the revenue which they respectively enjoy under the protection of the State." Now, he does not say in proportion to the property which they respectively possess under the protection of the State, but he says, in proportion to the revenue which each subject respectively enjoys. That is a distinction to which the attention of the House should be particularly directed. In imposing a tax of this sort, the State ought to look not to property, but to income. The ability of each person to pay ought, in my opinion, to be measured simply by the annual revenue which he possesses. The bargain which the State seems to make with the taxpayer is this:—"We will give you protection for a year, and you will pay your taxes for a year." Beyond that period, or some other such limited period, the State cannot be held responsible for extending protection to private property. Taxation, in my opinion, cannot be considered prospectively. It is not what may be the prospective value of the property to the owner on which the property tax is founded. What alone ought to be regarded is the present value of the income which the owner has to enjoy and use, and not what may be its value if it were to be sold. The question of market value is quite irrelevant to the argument as a matter of taxation. But if, on the other hand, you adopt the principle of the hon. Gentleman, and tax not income, but property, let us see what consequences it will involve. I will, with the permission of the House, read an extract from a Report which the late Mr. Hume proposed to be adopted by the Committee appointed to inquire into the income and property tax in 1852, in which Committee the question of property as contra-distinguished from income was very fully considered. The views of Mr. Hume were fully embodied in this Report, and with this recommendation concludes:—

> "Your Committee submit, finally, that the taxation of this country is not based on any intelligible principle; and that it becomes more and more apparent every year, especially if the property tax is to be a permanent tax, that the whole of the present system of taxation must be revised; that the best tax, the tax most easily levied, offering the fewest obstacles in the collection and the least likely to encourage evasion and fraud, will be found to be an equal tax on the realised and industrial property of the United Kingdom."

I believe everybody who reads that passage will come to the conclusion that, if the principle of that Report be worked out, we must sweep away the whole of our present system of taxation—Income Tax, Stamps, Excise, and Customs, and substitute for it a simple and equal tax on the realised and industrial property of the United Kingdom. That seems to be the legitimate conclusion to which this doctrine must lead, and which my hon. Friend, I infer, is ready to adopt. Sir, the distinction indicated in the Resolution before the House is that commonly drawn between permanent and precarious incomes. But it appears to me that those who argue upon the distinction of permanent and precarious incomes resolve all property into incomes consisting of those two sorts, and assume that it is correct to say that there is a certain set of incomes which are permanent and a certain set of incomes which are precarious, and that under one or the other of these two heads all incomes must fall. Now, I confess that that assumption appears to me to be founded entirely in error; and that no such distinction does exist in any other sense than this, that there is a scale of income arising from sources of the most permanent to the most precarious nature; but that between these two extremes there is an infinite number of degrees, and that it is scarcely possibly to define where the sources of a permanent nature end and those of a precarious nature begin. Therefore, though when we speak in general terms of permanent and precarious incomes, we know what is meant; yet, when an attempt is made to establish a system of taxation on that distinction, then I contend that the greatest inequalities will immediately be found to result. I will just suggest one of those obvious cases as illustrative of what must inevitably occur were such a system to be acted upon. Everybody knows what an estate in fee simple is. The owner sells it for the highest marketable price which he can obtain for it, estimated by so many years' value. We also know what is meant by a professional income, and that its value depends upon the exertions of the individual — upon his health, skill, and capacity, whether he be a barrister, a physician, or of any other profession. On these two bases—an estate and a profession—the revenue of each party rests. But between these two descriptions of incomes there are a variety of intermediate cases. Such, in regard to land, is the very common case of an estate for life. Now, is an estate for life a precarious or a permanent property? It is a freehold estate according to the law of England, but, nevertheless, a life estate is oftentimes a very insufficient provision for a man and his family. For instance, a parson of a parish has an estate for life in the benefice which he holds, although the income arising from it may not exceed £150 or £200 a year; and is he to be called upon to pay the full rate of the property tax, while you allow the banker or the merchant, who is receiving a profit of perhaps £20,000 or £30,000 a year, to be exempt from taxation, because theirs is a precarious income, being derived from business? Everybody must see, if you wish to construct an income tax upon principles of justice, that that is not a case that will suit your purpose. But there is an infinite number of estates which can be carved out of a fee simple estate by means of marriage settlements, wills, and other descriptions of legal instruments. There are estates in reversion, estates for life in remainder, estates for life expectant, estates for life conditional, all dependent upon an existing life interest; in what way do you propose to deal with the interests of persons situated in that manner? If the House were to attempt to adopt a property tax to meet all these various interests, it would find itself involved in an undertaking in which the human mind would find itself absolutely bewildered. According to the principle of the hon. Gentleman, all incomes derived from trade are to be held precarious—that is to say, all incomes derived from banks, from distilleries, from breweries, from trading companies—some of which establishments have a character of stability, stamped most strongly upon them, and which enable those who are interested in them to enjoy large incomes during their own natural lives, and to make provisions for their children after them. Yet it is proposed to hold all these incomes precarious! But, Sir, if by "ability" you mean to make a distinction between a man's income at the present time and what may hereafter be the probable demands on a man's income, you must take into consideration a number of circumstances, besides the permanency or precariousness of its source. You must take into consideration his family circumstances and his means of obtaining assistance from others. There are hardly any two cases, if you were to go into an accurate investigation of a person's ability to pay, in which you would not find it necessary to make a distinction when adapting an income tax to them. In the Income Tax Act of 1805, it was attempted to make an allowance in certain cases—namely, abatements were made to persons having more than two children; where the annual income was £60 and under £400, for each child above two the abatement was 4 per cent; £400 and under £1,000, the abatement was 3 per cent; for £1,000 and under £5,000, the abatement was 2 per cent; and for £5,000 and upwards, it was 1 per cent. But that enactment was not of long duration. It was repealed in the year 1807, and never afterwards revived. But when you endeavour to estimate with critical accuracy the precise measure of a man's ability, it is essential that you should not only regard his sources of income, but the demands upon them. An attempt to construct the income and property tax upon principles of strict justice would involve the necessity of making a special schedule for almost every taxpayer in the kingdom. So various are the circumstances of each individual, that, unless you descend to a degree of minuteness such as fiscal legislation has never yet attempted, I doubt whether you will make the least approach to a satisfactory solution of the problem which the hon. Member has submitted to the consideration of the House. How are the principles of sparing particular descriptions of revenue and of imposing additional taxation upon permanent sources of income consistent with our system of indirect taxation? If we are to adopt the doctrines so strenuously advocated by the hon. Member for Birmingham, how is it possible that we should go on levying one single indirect tax? From the very necessity of the case, such a tax falls with equal pressure—as far as amount is concerned—on the landowner with £100,000 a year and on the mechanic, whose wages do not exceed 15*s.* a week. They each pay the same duty on sugar, coffee, and tea. No attempt has ever been made to adjust the impost in proportion to the relative circumstances of the persons who are liable to it. But this must be all changed, if the arguments of the hon. Member are allowed to prevail. If he means to be consistent in his views, he must abolish all taxes imposed under the heads of Customs, Excise, and Stamps. Nor is this all. He will also have to remodel all the local taxes. Those taxes, which yield a revenue of more than £10,000,000 a year, are not levied on the principle of the property tax, but strictly on that of the income tax. They are charged to the occupier in proportion to the annual value of his land or house to let. The occupier who is an owner pays no more than the occupier who is not an owner. If the views advocated by the hon. Member should find favour with the House, and if we should declare, as he calls upon us now to do, that the principle on which the income tax is founded is unjust and inequitable, it is manifestly impossible that we should leave standing, and without alteration, a system of local taxation which yields upwards of £10,000,000 annually, and which, as I have already remarked, rests upon the basis, not of the property, but of the income tax. The produce of Schedule D during the last year was £5,101,000; of Schedule A, £7,666,000; of Schedule C, £1,852,000. The number of persons who contributed under Schedule D was upwards of 282,000. With regard, however, to that schedule, it should be borne in mind, when comparing it with the others, that all taxation under the others is charged on property before it comes into the hands of the taxpayer. It is impossible that any such practice should prevail in the case of Schedule D, which, be it remembered, is a self-assessing schedule. I am far from desiring to cast any imputation on the honour or integrity of the professional and commercial men who are classified under that category, but it is in human nature that when men are required to assess themselves for the purposes of a tax they should make their calculations on principles more lenient and indulgent than they would be likely to adopt if they had been required to perform the same duty for other people. It may safely be assumed that in cases of uncertainty they will not hesitate to give themselves the benefit of the doubt, and that they will put upon

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their own liability as limited a construction as possible. It should also be borne in mind that no inconsiderable quantity of property, which may justly be regarded as commercial, is included under Schedule A —such, for instance, as quarries, mines, ironworks, gasworks, waterworks, canals, railways, and fisheries. There is in many respects a great analogy between this class of property and that included in the commercial schedule; yet the hon. Member for Birmingham would draw a marked distinction between them, and apply a very different rule of treatment to each. Nor must we, in contrasting these schedules, forget that, since the discussion which took place some four years ago on the subject of the income tax, a new tax has been proposed, which to a certain degree alters the relative positions of Schedules A and D—I allude to the tax upon successions. That is an impost of very considerable magnitude, paid at certain periods in large sums, and which falls exclusively upon property classified under Schedule A. All these compensating circumstances must be taken into account, and, when we have examined and contrasted the claims and conditions of each schedule respectively, we shall probably arrive at the conclusion that taxation, under whatever system, is at best but a rough adjustment of rival rights and liabilities. In entertaining a proposal the effect of which would be most materially to diminish the burdens in Schedule D, and to aggravate those in Schedule A, it must not, I repeat, be overlooked that since the time when this question was last under discussion a new tax has been imposed which disturbs not a little the proportions then existing. Bearing in mind this fact, and remembering also that the treatment of this question by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) when the matter was first mooted, was so minute and ample as almost to have exhausted the subject, I had hoped that the question would not have been so soon again renewed, and that we should have been spared the not very profitable discussion which the Resolution of the hon. Member for Birmingham has this evening provoked. I have stated the reasons which appear to me to show that this is not a favourable moment for the entertainment of this subject, and I trust that a dispassionate consideration of all the circumstances of the case will deter the House from adopting an abstract proposition which could never be advantageously reduced to practice. Now that the chief object of the hon. Member for Birmingham has been attained —that of subjecting this matter to periodical discussion—I hope that he will rest satisfied, and not seek to pledge the House to a proposition the consequences of which may be far too vast and too important to render it desirable that the question to which it relates should be decided upon a partial and limited view. I shall therefore conclude my observations on the Motion of the hon. Gentleman by moving the previous question.

Mr. LAING said, that if the Motion were pressed to a division, he should certainly vote against the Resolution of the hon. Member for Birmingham on the simple ground that, however legitimate or convenient it might be for the House to affirm a broad principle on certain general questions of policy, and leave to the Government the responsibility of working it out in detail, such a course was wholly inapplicable to financial subjects. No tax could be named against which very plausible objections could not be urged; and therefore nothing could be more dangerous than for the House, by coming to popular votes of this description, to assert abstract principles without seeing its way to a substitute for the impost proposed to be remitted. Indeed, it would be well for the House to adopt it as an axiom that it ought not to judge any particular tax merely upon its own merits, but chiefly in relation to the mode in which the void in the Exchequer which its repeal would occasion was to be supplied. That, however, did not imply that the income tax was perfect in all its arrangements. So far from that being the fact, it was indispensable, before this impost was incorporated with our permanent system of taxation, as would, no doubt, have to be the case, that those portions of it to which public opinion was most repugnant should undergo revision, with a view to render them more acceptable to the country. It was impossible to deny, as an abstract proposition, the distinction existing between incomes derived from precarious sources, such as trades and professions, and those obtained from realised property; and it was hardly fair to charge those who advocated a modification of the present system with aiming, in a matter of this complexity, at such chimerical objects as the assessment of the country on principles of theoretical equity, by which every man would have to pay in an exact ratio to his ability and means. The substitution of a property tax for one on income was no doubt a visionary project, and we must, therefore, take income as we found it, and levy a certain impost from it; but the right hon. Gentleman the Chancellor of the Exchequer had himself pointed out the broad line of demarcation between Schedules A and D, the latter, unlike all the rest, being a schedule under which the taxpayer assessed himself to the amount on which he should be chargeable. Thus the Government was placed between the alternatives of a severe and stringent inquisition into the private affairs of individuals on the one hand, and of the opening of the door to extensive frauds on the other. That was a state of things which it was most desirable to correct. Much of the difficulty encountered by eminent financiers in mitigating this evil arose from the impost not being calculated upon by them as a permanent part of our fiscal system. Introduced in 1842 by Sir Robert Peel for a limited period, it was subsequently renewed from time to time; and when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) propounded his celebrated financial scheme as Chancellor of the Exchequer, that ex-Minister looked forward to its gradual extinction at no distant date. The time was, however, now come when we ought to make up our minds to the continuance of this tax, at least for the lives of the present generation. At the same time, it was certainly his opinion that its pressure might be considerably alleviated and its machinery readjusted, so as to check fraud and evasion while obviating its obnoxious inquisitorial operation. With that view it might be found practicable—following a suggestion of the right hon. Member for the University of Oxford—to raise a part of our revenue by a system of licences for trades and professions in lieu of assessment under Schedule D. Whatever might be done in this or in any other way to make the tax more palatable, could not, however, be successfully achieved unless it were carried out under the direction of the Government. The construction of the forthcoming or any future peace Budget would present a great and honourable task to the laudable ambition of the Chancellor of the Exchequer; and it was earnestly to be hoped that the right hon. Gentleman who now filled that important office would address himself to the revision of our entire system of finance in a comprehensive spirit, and with a desire to place it on a sound and healthy basis, and one calculated to endure throughout the long and prosperous career of peace which it was to be hoped lay again before this country.

Mr. W. WILLIAMS said, he wished to call attention to a hardship in the working of the present measure which he thought had only to be mentioned to be altered. He knew that when the weekly wages of working men did not amount to £100 per annum some of the assessors had taken into account the little extra gained by these men working over hours, and this brought them within the impost, whereas in other districts the assessor did not adopt that plan, and those men were relieved from the payment of a tax which the others were subject to. He therefore hoped that the Chancellor of the Exchequer would consider this, and give instructions to the assessors not to calculate the incomes of hard-working men in the manner he (Mr. W. Williams) had stated.

Mr. SPOONER fully agreed with his hon. Friend the Member for Birmingham that, according to the terms of his Motion, "an equitable adjustment of the income and property tax is essential to the interests of the country," but he could not concur in the declaration contained in the Resolution, that such an adjustment was particularly needed "as regards the rates of payment upon industrial and professional incomes compared with those derived from fixed property." Unquestionably great injustice and great inequality prevailed in the mode of assessing professional incomes, but was there no such inequality in the case of the possessor of landed property? A person possessing an estate of £1,000 a year paid income tax upon the whole of that amount, although he did not receive it, for any one acquainted with landed property knew that the charges upon it amounted to at least twenty per cent. If they took the case of a mortgaged estate, the mortgagor received the interest of the money he had lent without any deduction except for property tax, and had no county contributions to bear and no expenditure for repairs to meet. A person, also, who had money in the funds paid the property tax simply upon his receipts, and was not subjected to any of those other deductions which pressed upon the landed proprietor. He (Mr. Spooner) could not, therefore, agree to

that portion of his hon. Friend's Resolution which declared that the inequality of taxation applied entirely to the commercial and industrial interests, as if landed proprietors had no reason to complain of such inequality. It must be remembered, too, that landed proprietors had to pay the property tax of their tenants as well as their own, for when a man took a farm of course he calculated the payments to which he would be liable as an occupying tenant, and deducted certain items from his calculation of the amount of rent he ought to pay. He (Mr. Spooner) regretted that the Chancellor of the Exchequer did not exhibit any inclination to consider whether the property tax might not be rendered more equal in its operation than it was at present. Compare, observed the hon. Gentleman, the difference between a gentleman possessing a landed property of £400 per annum, and a clergyman possessing a living of the same amount. In the former case the property is worth thirty years' purchase—in the latter perhaps three, four, or five years, varying acccording to the age of the incumbent—yet these individuals are taxed to the same amount under the present law. To do justice they ought to deduct from the income of the clergyman such a sum as was sufficient to provide for his family when that income should cease. The former transmits his property to his family, while in the latter case the whole is gone. The hon. Member for Birmingham had very properly called the attention of the Chancelllor of the Exchequer to the different modes of assessment adopted in various parts of the country. He (Mr. Spooner) might mention that some railway companies paid their servants a given sum of money for wages, agreeing at the same time to allow them a further sum for clothes, for travelling expenses, and for other purposes. In many of these cases the actual wages were below £100 a year, but the allowances for clothing brought the income above that amount. In some instances the surveyors had held that persons in this position were liable to the tax, while in others persons so situated had been exempted; and he thought it most desirable that some definite rule should be adopted on the subject. The inquisitorial powers which were frequently exercised by the assessors occasioned loud complaints and great dissatisfaction. It not unfrequently happened that honest men were required to submit their books to inspection, and if it became publicly known, as it sometimes did, that they had not made certain profits, their interests were very injuriously affected. He thought it would be well to allow persons, under such circumstances, to make a solemn declaration that, after having allowed for all the deductions permitted by the Act of Parliament, their income did not exceed a certain amount; the deductions authorised to be made being clearly and specially laid down. He hoped the Chancellor of the Exchequer would consider whether it was not possible to make some change in the law in this respect. If the House went to a division, he (Mr. Spooner) would vote for the previous question.

Mr. MACKIE said, he wished to remind the right hon. Gentleman the Chancellor of the Exchequer that last year he had promised to relieve the Scotch landlords from a grievance with respect to this tax which a deputation had pointed out to him.

The CHANCELLOR of the EXCHEQUER said, he must admit that the Scotch landowners had some claim to the consideration of Government. He had given their claim his attention, and when the proper period arrived it would be taken into account. It was not competent, however, for him to propose a separate measure.

Sir HENRY WILLOUGHBY said, he desired to call the attention of the House to the inequitable operation of the tax upon property in the public funds. Long Annuities, which expired in 1860, when it was assumed the income tax would terminate, were taxed the same as perpetual annuities, thus making them pay a tax of twenty per cent. This was nothing less than extortion and robbery, and could only be justified by the overwhelming necessity of war. If the hon. Member for Birmingham wished his Resolution to be supported, he should extend it to all cases in which injustice was felt. Inequality pervaded all the schedules; and if there was one case of hardship greater than another, it was the one he had mentioned under Schedule C.

Mr. MUNTZ, in reply, said, it was a mistake to suppose that his objections to the tax were confined to any one class of the community. He believed that all were robbed alike, and that the landowners had a claim for redress as well as professional men and traders. All he asked was that the House should express its opinion that an equitable adjustment of the income and property tax was essential to the interests of the country.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided:*—Ayes, 63 ;Noes, 194: Majority, 131.

THE EXPENSES OF THE CHINESE WAR —QUESTION.

Sir JAMES W. HOGG said, he hoped to be able to save the time of the House with reference to his Motion relative to the amount due to the East India Company from Her Majesty's Government for the cost of the Chinese war, by asking the hon. Gentleman the Secretary to the Treasury to state if the accounts had been gone into, and with what result? He hoped it would be such as to render it unnecessary for him (Sir J. Hogg) to trouble the House on the question.

Mr. WILSON said, a difference had existed between the East India Company and the Government as to the principle of settling the cost of the war. The Government had kept the accounts separate from those of the East India Company, and he was happy to say that between the two there was only a difference of little more than £200,000, and he hoped the House would consider that under the circumstances, it was not worth while for the hon. Member to go on with the Motion.

Sir JAMES W. HOGG said, that being the case, there being but a difference of £200,000 on the claim of the East India Company of £800,000, he should not proceed with his Motion on the subject.

CASE OF LIEUTENANT COLONEL HARNESS.

Captain LEICESTER VERNON said, he would now beg to move for a copy of the correspondence which had taken place between the Clerk of the Ordnance and Lieutenant Colonel Harness, respecting his removal from his military position. His object in making that Motion was not alone to procure the production of the correspondence in question, but also to bring under the consideration of the House the evil consequences resulting from the adoption of the new system of making the military departments of the Ordnance subservient to the civil. The House would remember that on a previous occasion the right hon. Gentleman the Clerk to the Ordnance, in answer to a question which he had put to him, stated that Lieutenant Colonel Harness had been removed from the position of Deputy Inspector General of Fortifications in consequence of a misunderstanding with him, and he went on to pay a high tribute to the professional abilities of that officer, and stated that he had been sent to Malta ; and he went on to add, in answer to the hon. and gallant Member for Portarlington (Colonel Dunne) that he hoped that military etiquette would not interfere to prevent the best man taking the position for which he was adapted. In referring to the case of Lieutenant Colonel Harness as an exemplification of the disadvantages of the system he had just alluded to he might be allowed to observe, that although he had, for a long time, been well aware of the high reputation which Lieutenant Colonel Harness bore in his profession, yet he had never met him. Very soon after Lieutenant Colonel Harness had entered the service he had been taken away from the regular duties connected with his regiment and had been appointed commissioner of roads in Wales ; the labours of which position he had discharged so efficiently that he had, after the lapse of a short time been made a commissioner of railways under the Board of Trade. He had afterwards occupied the situation of second master at the Mint, and having set the Mint to rights, had recommended to the Government the abolition of the office which he filled, as one of the changes expedient to be made in reducing the staff generally. He had then been appointed one of the Commissioners of Public Works in Ireland, with a salary of £1,000 a year, which situation he continued to occupy until his appointment to the office of Deputy Inspector General of Fortifications. He had been selected for that laborious office out of the whole corps of engineers, at a salary of £600 per annum, and it appeared that in the discharge of the duties of his new position some correspondence had taken place between him and the Clerk of the Ordnance with reference to the appointment to some minor situation under his direction. Lieutenant Colonel Harness had made a statement in writing to the right hon. Gentleman, in connection with the matter, and in that statement had used some phrase which he had been called upon to withdraw. That phrase, it seemed, he had withdrawn, and the dispute he (Captain Vernon) believed had been made up between the parties. The Clerk of the Ordnance might, therefore, be said to have condoned the affair ; but, be that as it might, Lieutenant Colonel Harness had shortly afterwards been requested to send in his resignation. With that request the gallant officer had declined to comply, and he had thereupon been removed from his situation and sent out to command the Royal Engineers at Malta. The Government, in taking that course, had caused Lieutenant Colonel Harness to supersede a gallant officer perfectly competent to the discharge of the duties of commander of the Royal Engineers at Malta, and those changes had been the result of the necessity for consulting the convenience and comfort of the Clerk of the Ordnance by removing Lieutenant Colonel Harness from his position as Deputy Inspector General of Fortifications. It was in order that civil etiquette might be observed that military etiquette had been violated in superseding the officer of Engineer at Malta. Those observations naturally led him to the more general question, that of making the military subservient to the civil department in the state. Under the present system of military organisation, the Clerk of the Ordnance might be regarded as Master General of the Ordnance. Indeed he possessed all the power and patronage of the latter functionary, without any of his responsibility. The existence of that state of things must lead to results the most disastrous, and, in his (Captain Vernon's) opinion, nothing could be more productive of inconvenience than to set aside the ordinary channels of departmental communication. To the adoption of a contrary course might be attributed the removal of Lieutenant Colonel Harness from his former situation to supersede a brother officer, in contradiction to every rule of military etiquette.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, a Copy of the Correspondence between the Clerk of the Ordnance and Lieutenant Colonel Harness, Deputy Inspector General of Fortifications, respecting his removal from that military position."

MR. MONSELL said, in answer to the first part of the hon. and gallant Gentleman's statement, that he must beg to inform him that there was no official correspondence that had passed between Lieutenant Colonel Harness and himself respecting the removal of that gentleman from his military position. Undoubtedly there had been some correspondence between them, but he should not be justified in producing it without Lieutenant Colonel Harness's consent. With that consent he should not object to produce it, though he thought it was not altogether conducive to the well-working of the different departments of the Government that such correspondence should be laid on the table of the House. With regard to all that the hon. and gallant Gentleman had stated as to the military ability of Lieutenant Colonel Harness he (Mr. Monsell) entirely concurred. He (Mr. Monsell) had had the gratification of introducing that gallant Officer to the post of Deputy Inspector General of Fortifications. He was not acquainted with anything that could affect the high character of Colonel Harness. He would retract no opinion which he had ever expressed in regard to his professional merits. At the same time he considered that his noble Friend Lord Panmure had exercised his just right in the course he had taken with regard to the removal of Lieutenant Colonel Harness to Malta. He had met Sir John Burgoyne, who had expressed to him that there was not the slightest difficulty in removing Colonel Harness to Malta. As to the idea that seemed to be floating in the mind of the hon. and gallant Member that there was an intention to make the military departments entirely subservient to the civil, he could assure him that no such intention was entertained. The military Deputy Inspectors of Fortifications had to discharge their duties in obedience to the Commander in Chief and the Inspector General of Fortifications. Everything with regard to plans and the site of fortifications was to be decided exclusively by military men, and afterwards to be submitted to the Government. The duty he had to discharge in the office which he had the honour to hold was one of a financial character; and certainly nothing would be more contrary to all principle than that the military departments of this country should be removed from all responsibility to the House of Commons. There was one observation of the hon. and gallant Gentleman (Captain Vernon) which ought not to pass unnoticed. The hon. and gallant Gentleman said that there appeared to be a desire on the part of Lord Panmure to interfere with the organisation of the gallant and distinguished corps to which the hon. and gallant Gentleman himself belonged, and to supersede it by the formation of the Army Works Corps. He could assure the hon. and gallant Gentleman that no such idea ever entered the mind, either of his noble Friend or himself. Both he and his noble Friend were fully alive to the merits of the body to which the hon. and gallant Gentleman belonged. It was quite an error to imagine that there was any want of respect towards that corps, or any undue preference felt for the Army Works Corps, as the hon. and gallant Gentleman had asserted on a previous occasion. But the formation of the latter body was actually forced upon the Government by the injudicious extent to which the corps of Sappers and Miners had been reduced. In the course of this year 1,140 men had been added to the corps of Sappers and Miners, and when he moved the Estimate he stated that that was done with a view to prevent the necessity of embodying an Army Works Corps, and he at the time expressed his opinion that it would be infinitely better if they had a sufficient number of Sappers and Miners to perform the siege operations at Sebastopol. Therefore there was not the slightest pretence for the hon. and gallant Gentleman to suppose that the Government wished to substitute for the Sappers and Miners any body of civilians. The hon. and gallant Member had also referred, on a previous occasion, as an illustration of the policy he attributed to him, to the course which he had thought it his duty to pursue in recommending Captain Boxer to an appointment. He could only say that, if there was ever anything in which he felt proud in having done, it was in having placed so efficient an officer in a position in which he was able to render essential services to his country. It was utterly impossible to overrate the value of the services which that distinguished officer had rendered in enabling many important military operations to be carried out. He would only repeat in conclusion that he had no objection to the production of the correspondence which had taken place if Colonel Harness should desire it.

Colonel DUNNE said, he thought the House had a right to be made acquainted with the grounds on which Lieutenant Colonel Harness had been removed from so important an office as that of Deputy Inspector General of Fortifications. The matter was the more deserving of attention, as, in consequence of that removal, Lieutenant Colonel Harness had been promoted to a new and high office at Malta, over the heads of three distinguished officers. Such a transaction ought to have been the subject of an official correspondence, and the very fact that it was only recorded in a private letter showed, in his (Colonel Dunne's) opinion, that the mode of managing business in the office of his right hon. Friend the Clerk of the Ordnance was not what it ought to be. He had himself invariably experienced the utmost courtesy and consideration from his right hon. Friend in the course of any communications which had ever passed between them; but he could assure his right hon. Friend that some of his appointments created considerable dissatisfaction among the officers of the profession, and that many of those officers felt they were not treated as soldiers ought to be treated. The belief among them was that his right hon. Friend was led away by his excessive confidence in certain members of the profession; but he (Colonel Dunne) could not undertake to say how far that belief was well or ill founded.

VISCOUNT PALMERSTON said, he understood his right hon. Friend the Clerk of the Ordnance to state that as no official correspondence had taken place none could be produced. The correspondence was private, and he therefore hoped the House would not agree to the Motion, as, if it were carried, the return to it would, he apprehended, be *nil.*

CAPTAIN LEICESTER VERNON: I do not wish to press the Motion. If the correspondence I want does not exist, of course I cannot have it.

MR. WISE said, he thought the Clerk of the Ordnance had stated that he was willing to produce the correspondence if Lieutenant Colonel Haines desired it.

MR. MONTAGU CHAMBERS said, he regretted the existence of any clashing between the departments; such a state of things could not but be detrimental both to the country at large, and to the public service. With respect to what had occurred with regard to pointing out the merits of military officers, as far as their merits were concerned military officers were the best persons to discover those merits. Civil officers might receive and act too hastily on incorrect information, and make appointments exceedingly galling to military officers. He thought, therefore, that, for the good of the public, concessions should be made between the departments.

Motion, by leave, *withdrawn.*

EDUCATION (SCOTLAND).

THE LORD ADVOCATE said, he would now beg leave to introduce two Bills, upon the subject of Education in Scotland. The one was entitled a "Bill to regulate and make further provision for Parochial Schools in Scotland," and the other, a "Bill to make provision for Education within Burghs in Scotland." A long contest upon the question had taken place last Session, but the time and labour of the House had, much to his regret, been thrown away. The Bill he had then introduced was supported by many hon. Members, Scotch as well as English; but, although it was successful in that House, it did not pass through the other House. He did not think it would be expedient to resume year after year the conflict of last Session, and therefore, although he was not prepared to surrender to any extent the general principles then affirmed by the House, he thought it would be desirable to endeavour, by dividing that Bill and altering some of its details, to make some improvement in the present state of education in Scotland. He had heard with great satisfaction a remark from a right hon. Baronet (Sir J. Pakington), whom he did not now see in his place, that the question of education had ceased to be one in the category of party questions. He could not, however, but remember that, during the twenty-five or thirty divisions which had taken place last Session upon his Bill, it had been treated otherwise than as a party question, and he did not think the right hon. Baronet had voted with him upon any one of those divisions. He did not wish the other side of the House to support these Bills, or any portion of them, with which they could not agree, but he appealed to them, if the principle of the Bills were affirmed by the House in a clear and decided manner, not to wage a protracted contest upon every clause, but to discuss the details in the Committee, and give the measure in Committee a fair and candid consideration. The question divided itself into two branches. He proposed, as the titles of the Bills showed, first, to deal with parochial schools in Scotland, and secondly, to make provision for education within burghs in Scotland. He would now endeavour to explain the provisions of the two measures. In approaching the question of parochial schools, he would lay it down as a principle, that it was impossible longer to maintain the exclusive character of those parochial schools. The House of Commons had upon several occasions declared that principle, and it was impossible to deal with the question and to leave the exclusive tests in existence. He therefore met that obstacle at the outset, since he must clear it out of his path, and the sooner that question was brought to an issue the better. The tests were indefensible, and, except by a very few people, the principle was not maintained or defended by persons of any opinion. The Bill would abolish, and he trusted for ever, exclusive tests. In districts where the parochial schools were deserted it was impossible to defend them. Anxious as he was, however, to clear away those obstacles, he did not propose to make greater changes in the parochial schools than were required. Where the master was appointed by the minister and heritors, he proposed that the right of the Presbytery to initiate prosecutions against him should be abolished; since the Presbytery, being judges, ought not to be prosecutors at the same time. In the next place, he proposed that in trials for moral delinquency the heritors and the minister might be the judges, and that either the inspectors of the district or the heritors might take up charges and suspend the master. If the master thought himself aggrieved, he might appeal to the sheriff of the county. The Bill, therefore, provided that the Presbytery should not initiate proceedings against the master in the cases he had mentioned, but that it should be in the power of the heritors and the inspectors to entertain accusations against the master, and they might either suspend or dismiss him. He was not in favour of making the prosecution of a schoolmaster for delinquency a great State matter, in which the Lord Advocate and the Procurator Fiscal should be called in. Such an arrangement would, he thought, exercise a prejudicial effect upon the school and its management. Let those who superintended the school come down and remove the schoolmaster if he was unfit to perform his duties. He did not propose to interfere with the right of examination of schoolmasters, except where the minister and the heritors chose a schoolmaster not of the Established Church. In all those cases where the heritors and the minister thought that the schoolmasters ought not to be of the Established Church, there the right of examination of the Presbytery should be abolished. Of course, if the schoolmaster belonged to the Established Church, there would be no hardship in submitting him to the examination of the Presbytery. He proposed to make provision for the inspection of the schools by the Government inspector, and for the examination of the masters. He trusted that, in clearing away the exclusive tests, Parliament would be opening the doors to a more liberal view of the whole subject. With regard to education in burghs, his proposals were simple. It was proposed to give the town councils of burghs the right to assess the property within the burgh for schools and education up to a certain amount. He did not propose to lay the town councils under any restrictions, for he thought those bodies might safely be trusted with the power of administering the funds of the schools. He only proposed that where the town councils intended to avail themselves of the powers given by the Bill, the Resolution to that effect should be moved before the month of August in any year. The resolution would then be passed prior to the annual election of new members of the town council in October, and if those new members also adopted the resolution the Bill would take effect. He was certain the funds raised under the Bill would be by those bodies administered to the advantage of the inhabitants of the burghs. Whatever might be the case in other quarters, there were no corporate bodies who had more at heart the instruction of the lower orders, or were better fitted to manage it, than the town councils of Scotland. He had omitted to mention in its proper place one part of the Parochial School Bill, which gave an increase of salaries to the schoolmasters and an increase of comforts with regard to their dwellings. In that he followed the views of the hon. Gentleman the Member for Perth (Mr. Stirling). He did not propose to take anything from Government resources—the necessary provision would be made by the landowners in the counties and by the ratepayers in the boroughs. But he would adopt the suggestion of the hon. Gentleman the Member for Perthshire (Mr. Kinnaird), and impose on heritors such an increase of salary, as it was understood in the discussions upon the question last year they were all willing to pay. He might fairly tell the House that, when he proposed to sweep away the whole parochial system and found the basis of a great national system, he thought it perfectly fair the Government should bear a portion of the expense. But it would be unreasonable now to propose the same amount of Government assistance; and he was not without the hope that the absence of provisions of that kind would have the effect of making the Bill more popular. From Glasgow representations had been made to his noble Friend at the head of the Government by some of the most influential men there, the late Lord Provost, Messrs. Ballantyne and Watson, and two gentlemen at the head of the medical profession, complaining that the means of education there were greatly inadequate. A rate there, limited to one penny in the pound, would be productive of the greatest possible advantage. Having glanced at the main features of the measure, he might now state that he did not mean to stop here; but he could not, without some degree of repugnance, launch into such a sea of discussion as that of last year. But if the two Bills were received favourably, if the question of tests raised by the first Bill were settled, he would then state to the House what he proposed as a more general measure of education. He might, however, take that opportunity of stating that, if they settled the parish schools on the footing of his Bill, he did not propose to interfere further in their management, and any general management would be substantially confined to new schools and borough schools. If they came under the general system, he proposed to have the nomination of inspectors, the survey by inspectors, and the reports to Parliament, as proposed last year. But since last year a very important alteration had taken place, because it had been proposed, and would, he presumed, be carried, to have a Minister of Education responsible for the conduct of that department. A great deal of discontent was excited against the Board of Education which he proposed last year. There were only three courses open—either to leave the local authorities without control, or to have the control in Edinburgh, or to have the control in London. He thought the leaving the control in Edinburgh the best mode, but that was objected to; and, now that there would be a responsible Minister in that House, the difficulty of leaving the whole matter in the hands of the Council of Education would be removed. He should propose the Board of Inspectors as the central authority, so far as there would be any central authority, subject to the superintendence of the Minister of Education. The inspectors would report, in the first instance, to the Minister of Education what parishes required schools; opportunities would be afforded to the parishes to state any objection; the four inspectors would make separate inquiry, and, if they reported that schools were required, the schools would be established. Before 1858 the inspectors would lay on the table of the Houses of Parliament a detailed statement of the state of education in Scotland and what new schools were required, and within six months afterwards an order would issue from the Council of Education where the schools should be established, with a rate to support them. He should also propose in that Bill that regulations be drawn up for the general management of the new schools, and that the Government money given for education should be given to such schools as should adopt those regulations. He would, therefore, now move, in the first place, for leave to introduce the Parochial School Bill; and, in the second place, a Bill for Education within Scotch Burghs. With regard to the general measure of education, as the discussion on the noble Lord's (Lord J. Russell's) Resolutions would come on immediately, when the whole of this great question would be considered, the House would think he had exercised a sound discretion in not including it in the present notice. He hoped that, having explained the course he proposed to follow, the House would assent to the introduction of the two smaller measures, and so far aid in the suppression of ignorance and crime in Scotland.

Mr. BAXTER said, he regretted to find, from the statement of the right hon. and learned Lord Advocate, that they were not sufficiently agreed in reference to that great question of education to enable them to adopt some really liberal and comprehensive system for its promotion. He could not help thinking that their differences upon the subject consisted more in words than in realities, and that if they would all think less about their polemical differences a large proportion of their difficulties would at once vanish. He believed that a very general feeling prevailed in Scotland last year that the House had attached too much importance to the memorials of clerical combatants. He hoped that all parties in the House would eventually unite in a spirit of conciliation to frame an educational measure for Scotland, which would reflect credit upon themselves as legislators and at the same time be of essential benefit to the country. He must confess, however, that although the present Bill fell short in his estimation of what was required, and might truly be considered illiberal and unjust to the great dissenting denomination, he could not object to the Bill *in toto*, because he would not consent to throw away a measure that really contained the elements of good, because he himself aimed at something better and higher. In his opinion the entire management of the parochial schools in Scotland ought to undergo a change, and, therefore, he certainly should be extremely sorry to see that system extended over an indefinite period. Still he should be equally sorry to see a system which had worked well rashly interfered with; and if the question solved itself into the continuance of an educational system connected exclusively with the Church of Scotland, or none at all, he should rather choose to bear the evils resulting from that exclusiveness than fly to others which Scotland happily knows nothing of. They were, however, asked to continue the present system for a limited period only, and he hoped that no hon. Gentleman, however fond of change, would be disposed to interpose difficulties in the way of so reasonable a measure. The condition attached to this proposal was, that the test was to be abolished, and that persons should be eligible for masters although they might not be members of the Church of Scotland. That principle was already admitted in the case of the Universities, and had been recently sanctioned in various Acts of Parliament, and as hon. Gentlemen on the other side of the House had never pretended to uphold the present system in all its integrity, he hoped they would accept the offer now made. The second Bill gave boroughs permissive powers to tax themselves. This was what so many of them asked during the discussions which took place last Session; and its introduction now met, in the opinion of many, but not in his, all the exigencies of the case. He was glad that his right hon. and learned Friend intended to introduce an inquiry by inspection into the condition of the schools, because he was sure that such a proceeding would be satisfactory to all parties, for it would show both Churchmen and Dissenters how far they were right or wrong, and would bring to light many facts which had been hitherto neglected and forgotten. One thing, was certain, namely, that it would prove the miserable inefficiency of a class of men, who took upon themselves the important office of public instructors of youth in the suburbs of large towns, and would reveal an amount of ignorance even in boasted Scotland that would astonish them. It would prove that the system of religious tuition, although the bone of contention, was really the same all over Scotland, and, above all, would most materially strengthen the conclusion at which many had arrived, that eventually some sort of educational test should be required from young persons obtaining employment either in shops or factories, either as domestic servants, or as workers on a farm. On the whole, he hoped that his right hon. and learned Friend would persist in the moderate course which he was by this measure pursuing, and that he would be met in a conciliatory spirit by hon. Gentlemen on both sides of the House.

Mr. BLACK said, that having been for a long time in connection with persons in Scotland who took the deepest interest in this question, he thought it his duty to state what they considered were the principles upon which a national system of education should be established. They thought that such a system ought not to be exclusive, but national — not denominational, but unsectarian. The parent was the person responsible for the education of his child, and especially for the religious instruction which it received. The parochial schools of Scotland possessed at one time great merit, and had undoubtedly done good service to the country; but they no longer satisfied the requirements of the age, and the enthusiasm with which some hon. Members occasionally alluded to them resembled the admiration which, forgetful of the change that time had made in their looks and constitution, we still delighted to bestow on those whom we had known in the days of their youth and beauty. When those schools were instituted, the population of Scotland was about 1,000,000; it was now nearly 3,000,000, and in the interim, dissent had so greatly increased, that the Established Church did not now comprise more than one-third of the population. Fully two-thirds of the people were now disqualified by the religious test from the office of schoolmaster. Sectarianism was the bane of the educational system in Scotland, and it would so continue until the test was abolished. He was for educating all the children of a district in the same school, where the children would sit on the same form, learn the same lessons, engage in the same games, and form friendships which, in after life, would smooth the asperities of sect and party. The greatest obstacle to an improved system of education was supposed to be that offered by the religious element; but that difficulty, when it came to be manfully grappled with, would doubtless give way, and be found to be nothing but an idle bugbear. He was strengthened in his belief by the fact that in the High School of Edinburgh at present there were teachers connected with the Presbyterian establishment, with the Free Church, and with the Episcopalian denomination; and yet no one intending to send a son to that school ever dreamt of inquiring to what sect the masters belonged. The same thing would most probably happen in regard to the national schools when they were once fairly set in motion. The opinion of the people of Scotland on the question of education had of late years been strongly in favour of obtaining the best teacher for a school, no matter what sect he belonged to; the only test they wished to retain was that of qualification for his office. It must also be recollected, that although a number of new schools had certainly been established, it did not necessarily follow that the amount of education was greater, because it unfortunately happened that, from sectarian asperity, the schools became rivals, not assistants, and, in point of fact, in many cases the establishment of a new school in a particular locality had greatly injured the old one, without doing itself any perceptible good; so that, if a general system could be established, and the existing schools could be fairly apportioned over the whole country, not only would a general system of education be established without increased expense, but the amount of education given would, in all probability, be greatly increased and its quality improved. There was no occasion, in his opinion, for teaching sectarianism at schools, for such was the nature of the human mind, that different opinions, especially on religious subjects, could not fail to be adopted after leaving school, but, by a general system of education, friendships would be formed, and a spirit of conciliation nurtured which would alleviate the bitterness of religious animosity and enable the educated man to enjoy his own convictions, while he extended a due measure of respect to the differing opinions of his neighbour. He fully admitted that, up to the present moment the religious, or rather sectarian, element had been the chief obstacle to the formation of a general system; but he believed that, if it could be once established, it would greatly conduce to the results which he had indicated. He was satisfied that no school could exist in Scotland from which religion was excluded; and although the word religion was not so much as mentioned in the statute, it would certainly form a part of the instruction in every school. He was sorry that his right hon. and learned Friend was unable to carry out an educational system upon a more comprehensive scale, but he accepted the measure as a step in the right direction, for he thought, if they could get the test abolished, it would open the way to greater improvements, and be well worth the struggle they had made to effect the object.

MR. MACKIE said, he gave his most cordial approval to the measure which had been that night brought in, especially to that portion affecting burghs, and making the education compulsory there, for he was shocked to say that in the closes, alleys, and wynds of Glasgow alone there were no less than 15,000 children growing up in a deplorable state of ignorance and neglect. He disapproved of maintaining the present system of tests, because he was of opinion that the best men should be selected as teachers; but he wished it to be understood that he was of opinion that none should be chosen to instruct the youth of the country who were not firm believers in the broad truths of the Gospel.

SIR ANDREW AGNEW said, the measure of the right hon. and learned Lord Advocate was being watched with the most intense anxiety by the entire population of Scotland; and though he should have wished to have seen it carried a little further, he thought it could not fail of giving satisfaction, for it was a Bill which, if carried in its present shape, would eminently conduce to the maintenance of peace. The light in which the question of education should be considered was not whether the parish schools of Scotland had effected much good, or whether they were of a sectarian character, but whether at present they possessed the confidence of the great body of the people. Now, it was notorious that parish schools, as at present constituted, had not the confidence of the great majority of the population; but, the existing test once got rid of, they would no doubt, speedily recover their pristine efficiency and popularity. The school maintained by the Free Church did not really supplement the deficient educational machinery of the establishment, for, being frequently situated almost side by side with the parochial schools, instead of occupying localities which they left vacant, they were mere rivals to them on their own ground. The repeal of the test would therefore do great good if it put an end—as it was likely to do—to this unseemly state of things. The measure, so far from inflicting a heavy blow on the Presbyterian establishment, would strengthen the position of that Church, by removing the discontent and jealous feeling with which it was at present regarded. The Government object being to enable all classes to partake of the advantages afforded by parish schools, he thought a more moderate measure than the present could not be conceived, and he hoped sincerely that it would not meet the fate of former measures for the improvement of education in Scotland. He thought that no reasonable fear could be entertained by the Opposition that this was an attack on the Established Church of Scotland, and that it was only getting in the thin edge of the wedge, preparatory to an attack of a similar character in this country, because there was nothing analogous in the influence of the two Churches upon education. The Church of England did not profess to have the control of education in this country, and the present measure could not in the remotest degree affect its interests. He therefore entreated all parties to accept this very moderate measure, which he hoped would for ever put an end to all bitterness of feeling with relation to the most important question of education.

MR. BLACKBURN said, he did not mean to follow the example set by hon. Gentlemen opposite of discussing the merits of a Bill the provisions of which were not before them; but he was glad that the right hon. and learned Lord had followed the advice given him by Gentlemen on his (the Opposition) side of the House last Session, namely, to leave these parish schools in pretty much the same position as they were at present. Of course they all wished to improve the social *status* of the teacher; but other matters, such as those relating to the management, had better be left alone. He had told the right hon. and learned Lord, over and over again, that religious instruction must be given in the parish schools, and, of course, there might be some examination by inspectors. He trusted, however, that no compulsory powers would be placed in their hands, and that the entire management of the schools should rest, as at present, with those from whom they derived their chief support. Further than this he declined to enter into the consideration of the measure in its present stage.

MR. STIRLING said, he thought hon. Members might thank the Gentlemen on his side of the House for any improvement in this measure upon that of last Session. Discussions on subjects like this, which involved a great many social questions, were not very likely to moderate men's opinions, and therefore the right hon. and learned Lord Advocate was the more to be commended for the moderation he had displayed on the present occasion. Last year an hon. Friend of his, the Member for Elginshire (Mr. C. Bruce), had moved, on going into Committee, that the Bill should be divided into two parts; but the Lord Advocate had done more, he had divided the Bill of last Session into three separate Bills, the third of which was, perhaps, the most shadowy, because they were told it was not to be considered till after the House had affirmed or rejected the principle of this. Undoubtedly he thought that were it not for the existence of religious differences, the question of Scotch education might be settled either in a Committee-room upstairs, or at the offices of the Committee of Council on Education. He fully admitted that in burghs it was justifiable to establish schools without the superintendence of the Church of Scotland; but with respect to the rural districts the case was entirely different, because in them the Church of Scotland was the sole author of a system of education. They had heard a great deal of the necessity of education in Scotland, and he should be the last person to deny the existence of the want; but he was of opinion that the particular schools which ought to be extended were reformatories rather than any other, and for that opinion he had the very highest authority. He would refer the House to the Minutes of the Committee of Council upon Education, in which every one of the Inspectors that spoke for Scotland, spoke with the greatest respect of the present system and machinery, and not one complaint was made that it was defective. He considered that the existing system of education in Scotland was in a very satisfactory state.

Leave *given;* Bills *ordered* to be brought in by the LORD ADVOCATE, Sir GEORGE GREY, and Viscount DUNCAN.

LOCAL CHARGES UPON SHIPPING.

Motion made, and Question proposed, "That Mr. LOWE be a Member of the Select Committee on Local Charges upon Shipping."

MR. VINCENT SCULLY objected to the appointment of the right hon. Gentleman, with the view of calling attention to the habitual exclusion of Members for Irish constituencies from public positions calculated to give them their due weight in the House, and enable them to protect the local interests of Ireland. This was not the first time that he had been obliged, from a sense of duty, to complain of the exclusion of Irish Members from important Parliamentary Committees, and other public positions, both in and out of the House. He did not assert that his countrymen had been made the objects of intentional slight in the present instance, but it was curious that so many similar oversights of them had already occurred accidentally on purpose. The proposed exclusion of all Members for Irish constituencies from this important Committee was perhaps another of those premeditated accidents to which he had directed attention on former occasions. In the course of last Session, the Solicitor General for England had proposed to constitute his Select Committee upon the Leases and Sales of Settled Estates Bill exclusively of English Members; but upon his attention having been called, by a Motion similar to the present, to the fact that the measure embraced Ireland as well as England—a circumstance of which he did not seem to have been aware—he most properly yielded at once, and added five Irish representatives to the eight or nine English Members whom he had previously proposed to nominate. Therefore, he (Mr. Scully) did not then call further attention to the general subject, but on the last day of the Session gave notice that early in the present Session he would move a substantive Motion regarding it. It was now with much reluctance he availed himself of the present opportunity to raise a discussion. Here was a proposition to nominate a Select Committee to consider the Local Charges upon Shipping, and, although among the fifteen names on the list he observed those of some Scotch Members, he could not discover the name of a single Gentleman who represented any of the ports of Ireland. One would really suppose, on reading the names of this model Committee, that the Vice President of the Board of Trade was ignorant of the geographical position of Ireland. Did the right hon. Gentleman imagine that it was some province in the centre of India, or that the people were a species of Australian kangaroos? Not many weeks ago there was an announcement in the newspapers—the right hon. Gentleman could inform the House whether it was correct or not—that he was on a visit at Newtown Anner, near Clonmel, the seat of his Friend the Secretary to the Admiralty; and, unless he had dropped down upon that hospitable mansion from the clouds, he must have entered Ireland by one of its numerous ports. At all events, his Friend the Secretary could have informed him that Ireland possessed some of the most noble harbours in the world, presenting a remarkable contrast to the famous borough of Kidderminster, which, perhaps, could boast of nothing finer than the wretched river Stour, or some miserable canal bearing a bumboat on its slimy and sluggish bosom. The county Cork, which he represented, contained at least half a dozen seaports, each of which would bear a favourable comparison with the inland port of Kidderminster. The proposal to exclude Irish Members from the Committee on the Local Charges upon Shipping was one of the most impudent—he used the word in a Parliamentary sense—ever submitted to that House; but similar propositions had been made before, and it would be unfair to blame the Vice President of the Board of Trade more than his colleagues. That very evening a Cabinet Minister—the Home Secretary—had nominated a Select Committee on transportation, on which there was only one Irish Member—namely, his hon. and learned Friend the Member for Limerick City (Serjeant O'Brien), who, perhaps, in the present relative condition of crime in Ireland, sufficiently represented the proportion of persons liable to be banished from that country. With regard to the Committee now under consideration, the right hon. Member could offer no excuse for the exclusion of the representatives of Irish constituencies, except to say he had quite forgotten them, and so add insult to injury. That right hon. Gentleman would not venture to assert that it was impossible to find among the Irish Members on either side of the House any Gentlemen who, from their mercantile knowledge and their acquaintance with shipping, could render valuable assistance to the Committee. What objection could he have to the two Members for Cork (Mr. Fagan and Mr. Beamish), a city which possessed the finest harbour in the three kingdoms—both persons of great mercantile experience, and in every respect qualified to take part in such an inquiry? The same observation applied to one of the Members for Limerick (Mr. Russell), who had an extensive acquaintance with commerce; and to the Member for Newry (Mr. Kirk), who was well known to be a shrewd, hard-headed Gentleman. On the opposite side of the House were the Members for Waterford, Drogheda, and Dublin (Mr. Meagher, Mr. M'Cann, and Mr. Vance), than whom it would be difficult to select Gentlemen better fitted to represent Irish interests in such a Committee, or more entitled to express an opinion on any question affecting the commerce of the country. Irish Members were sometimes put upon irksome Committees upon which English Members were unwilling to act, and then, when they complained, they were reminded of the story of the drummer, and were told that "hit high or hit low" they were never satisfied. He presumed this was a specimen of low hitting. He was quite sure he could supply a better Committee from the Irish Members alone; but suppose—if it were possible to suppose such a contingency—that an Irishman occupied the position held by the hon. Member for Kidderminster, and proposed to the House to appoint a Committee consisting exclusively of Irish Members, how great would be the outcry raised against such a proceeding. He did not confine his complaint, as to the habitual exclusion of Irishmen to mere Parliamentary Committees, which, after all, were not so important as other public positions, such as Cabinet offices, to which they were seldom or never admitted. He now distinctly challenged the right hon. Member to justify or excuse the course he had taken in proposing to exclude all Irish Members from this Committee.

The CHANCELLOR of the EXCHEQUER said, he could assure the hon. and learned Gentleman and the House that the Government fully recognised the insular position of Ireland, and did not deny the existence on its coast of numerous ports and harbours which had important interests that deserved the consideration of the House. He could also assure the hon. Gentleman that there was on the part of the Government no disposition to treat the Irish Members with any want of consideration or respect. The hon. and learned Member was doubtless aware that Ireland, although indirectly interested in this inquiry, had directly but an extremely limited pecuniary interest in its result. Offers had, however, been made to two Irish Members, the hon. Members for Belfast and Kerry, but they had both declined to sit on the Committee. The hon. and learned Gentleman had complained that on the Transportation Committee there was but one Irish Member. He (the Chancellor of the Exchequer) might remind the hon. and learned Gentleman and the House that upon that Committee were Mr. Serjeant O'Brien and Mr. J. Greene, and also Mr. Seymour Fitzgerald, who, although he did not represent an Irish constituency, was connected with Ireland by property. It seemed to him, therefore, that on that Committee Ireland was very fairly represented. He thought that Gentlemen on both sides of the House would agree with him that no discussions were less agreeable than debates as to the comparative merits of different Members of that House; and he should, therefore, propose, in regard to this Committee, that the number of Members should be increased from fifteen to seventeen, and that the names of the hon. Members for the city of Dublin and for Newry should be added to those which had been already proposed.

Mr. DISRAELI said, he was very sorry that the hon. and learned Member for Cork (Mr. V. Scully) should have revived a feeling in regard to the position of Irish Members of that House which he had hoped had been extinct. He was quite sure that in this instance there had, on the part of the Government, been no intention to treat them with any want of respect; and, having had some knowledge of the original scheme of the Committee, he could bear testimony to the truth of the statement made by the right hon. Gentleman the Chancellor of the Exchequer, that the claims of Ireland were recognised by the offers made to two distinguished Members of the House. He was aware that the hon. and learned Member for Belfast (Mr. Cairns) had been invited to become a Member of it. He much regretted that the hon. and learned Gentleman did not find it consistent with his other engagements to accept the invitation. He would not oppose the proposition of the Chancellor of the Exchequer to increase the Committee, as it was made in a conciliatory spirit to obviate any objection, but he thought a Committee of seventeen Members was too numerous. It would be better, in his opinion, to diminish rather than to increase the number. He would not have felt it his duty to take any part in the discussion, but for the extraordinary character of the speech of the hon. and learned Member for Cork, who had most unnecessarily sought to revive a feeling which he hoped had long since died away in the House. Even if there was any foundation in fact for his statements, the hon. and learned Gentleman ought to have refrained, but they were not founded on fact. He (Mr. Disraeli) denied that Irishmen, or Members for Irish constituencies, were habitually and systematically prevented from obtaining high places in the administration of the affairs of this country, or were excluded from enjoying the favour of the Sovereign or the sympathy of Her subjects. They were not the class of men least fortunate in that respect. On the contrary, he believed he could show that Irishmen had been of late years, peculiarly fortunate—more so than Englishmen—in attaining eminent positions in the State. Nothing could be more unfortunate than the attack made by the hon. and learned Gentleman, more especially with reference to the particular office held by the right hon. Gentleman whose name stood first on the list of the Committee. The hon. and learned Gentleman had sneered at the idea of an Irishman holding that office. When he (Mr. Disraeli) entered Parliament, that office was held by an Irishman. The then Vice President of the Board of Trade was Mr. Sheil, an Irishman, a brilliant orator, and an eminent professor of those extreme opinions which the hon. and learned Gentleman had not yet entirely repudiated. It was much to be regretted that, after such a long interval, any Member representing an Irish constituency should take such an opportunity of embittering the feelings of the House and country on the plea that the position of Irishmen was not properly recognised, and that they had not opportunities of gaining the position which was the ambition of all Her Majesty's subjects. The hon. and learned Gentleman had fixed on the office of the Vice Presidency of the Board of Trade, but many could recollect when it was filled by an Irishman, which was a sufficient answer to the allegation of the hon. and learned Gentleman. All must regret that the hon. and learned Gentleman should have unnecessarily revived a source of bitter feeling, but it was clear that nothing could be more unfortunate for him than the instance he had brought forward to illustrate his position.

Mr. Disraeli

Mr. WATSON said, he was quite of opinion that Ireland ought to be represented in the Committee; but he had great objections to its constitution and its appointment. Looking at its objects, the number of fifteen, as originally intended, was, in his opinion, too large, and it was now to be augmented to seventeen. What would be the subjects of its inquiries? The title of different corporations to their dues upon shipping. There would be serious questions of law whether there could be property in those dues—which the right hon. Gentleman the Vice President of the Board of Trade denied; and whether the corporations in question had such property; and, if so, whether it could be confiscated without compensation. Those were grave questions, and they were to be considered by a purely partisan Committee. It was extraordinary that not a single impartial or unpledged Member was to be appointed upon it. There were not less than five Gentlemen now, or lately, Presidents or Vice Presidents of the Board of Trade to be upon it. Then there were two lawyers and several Members for mercantile towns known to entertain particular opinions upon the subject one way, and others known to have opposite opinions upon it. All were biassed and interested one way or the other, and what effect could the Report of a Committee have consisting of seventeen partisans—nine one way and eight the other? There was not a single unpledged vote on the Committee, and he would undertake to write their Report beforehand, and to point out how each Member would vote on every question which might arise. The Report of such a Committee would have no possible effect with the country or with the House, and even for the collection of evidence it was completely valueless. He would suggest that a Committee of seven should be nominated impartially from both sides of the House, and that there should be, as in the old Election Committees, two nominees—one for the Board of Trade, and one to represent the great commercial ports. That would be a judicial body, and its opinion would command universal respect. The subject had become of much greater importance than it was at the commencement of the Session, when the Government Bill was introduced. There were few corporations in the country which did not possess tolls of some sort or other, and they were all alarmed at the commencement of a system of confiscation the end of which they could not foresee. The idea which seemed to have been taken up by the Board of Trade upon the subject rendered this alarm very natural, and it would be unwise to appoint a Committee whose Report could have no weight with the country.

Mr. F. SCOTT said, he would mention, as an illustration of the manner in which Committees were nominated, that the right hon. Gentleman the Home Secretary had recently placed his (Mr. Scott's) name on a Committee after he had distinctly assured the right hon. Gentleman that he should not serve on it.

Mr. JOHN MACGREGOR said, he regretted that the Bill which had been introduced had been so suddenly thrown up. When he was at the Board of Trade, no Bill was ever prepared by that Board that did not pass. He did not say that because he was the author of the Bills. He thought that, as a general rule, Irish Members, when placed in positions in which they could be of use, performed their duties remarkably well; he considered that the case of Mr. Sheil was rather an unfortunate illustration, as that gentleman, although of great ability and of great oratorical power, himself admitted that when at the Board of Trade he always felt miserable, and, in fact, never signed his name to a single Bill. He would recommend the Government to abandon the Committee, and form one in which the seaports were fairly represented. As to the Bill itself, which was to form the subject of inquiry, it was an attempt at confiscation, unprecedented by anything but the spoliation of the monasteries by Henry VIII.

Mr. HADFIELD said, he could not understand what the hon. Member meant by confiscation, when the legality of those local charges was denied. But he wanted to know how it happened that of the seventeen Members to be placed on the Committee, there was only one who had any connection either with South Lancashire or the manufacturing towns of the West Riding of Yorkshire. Those were the places that paid the bulk of those local charges; and yet, with the single exception he had referred to, there was not one of them represented in the Committee. On the other hand, the parties interested in continuing the tax were amply represented, and he asked whether that was fair; but, whether it was or not, it was quite sufficient to silence those who said the Committee would be inimical to the interest of the seaport towns.

Sir FRANCIS BARING said, he thought that the noble Lord (Viscount Palmerston) was quite desirous to do justice in the appointment of the Committee; but, at the same time, it was perfectly clear that there was a decided majority in favour of the Bill upon any question that might arise. He also agreed that it would be better to withdraw the Committee and appoint a new one. He was glad, however, that the discussion had been taken upon the first name, which was that of the Vice President of the Board of Trade, because no one in the House could object to his sitting on the Committee, and therefore everything like personality was avoided. The right hon. Member for Oxford (Mr. Cardwell) was the author of the original Committee, and might be said to have laid the egg—the right hon. Member the President of the Poor Law Board (Mr. Bouverie) was the hen who brooded over it, while the right hon. Gentleman the present Vice President of the Board of Trade (Mr. Lowe) might be said to have hatched it. All three Gentlemen were Members of the Committee. He thought a proper constitution of the Committee would be to take Members from either side of the House, who would be in a position to act fairly between all parties interested. He hoped the noble Lord at the head of the Government would consider the matter, so that a Committee might be appointed which would fairly represent the interests of all parties, and be in a position to make a Report satisfactory both to that House and to the country at large.

Viscount PALMERSTON said, that from what had just fallen from his right hon. Friend, there seemed to be a misconception of the objects and nature of the Committee to be appointed. His right hon. Friend talked of this being a judicial Committee; but he (Lord Palmerston) never understood that to that Committee was to be referred the question of deciding whether the measure which had been proposed on shipping dues was or was not to be adopted by the House. The history of the matter was this:—When the Bill came on to be discussed, different Members got up and stated cases of hardship with respect to particular localities, which they said had not been sufficiently understood by the House or explained to the Commission; and what was proposed was, that whereas it was impossible to enter into those details in debate in the House, a Committee should be appointed, not for the purpose of suggesting to the House whether or not the measure should be carried into law, but of inquiring into the circumstances of those particular towns, of reporting the facts, and thereby enabling the House to judge afterwards more accurately as to the merits of the measure proposed. For that purpose, he thought that the Committee, as now constituted, was well adapted to perform its duties. Undoubtedly that which had passed that evening showed that it was not a very easy or light matter to satisfy the House in regard to the appointment of Committees, because the number of conflicting recommendations rendered it impossible to satisfy everybody. The right hon. Member for Buckinghamshire (Mr. Disraeli) laid down the rule, which was a very sound one, that a numerous Committee was not a good instrument to perform the duties assigned to it. The right hon. Member said that, generally speaking, fifteen Members on a Committee were better than a larger number, but on the present occasion, he (Viscount Palmerston) thought that his right hon. Friend the Chancellor of the Exchequer had shown good grounds for extending the number to seventeen. Well, one hon. Member said that a greater number of lawyers should be added to the Committee; another that there should be an infusion of Irish Members; and another maintained that there was not a sufficient number of Members representing manufacturing districts on the Committee. Now, if all those various demands were to be satisfied, the Committee must be increased to twice or three times the number of seventeen Members. The hon. and learned Member for Hull (Mr. Watson) complained that the Committee was improperly constituted, inasmuch as it contained partisans on one and on the other side of the question. With all deference to the hon. and learned Member, that was precisely the sort of Committee fitted to perform efficiently the duties for which it was appointed, by accurately examining and probing to the bottom the case brought before it by collecting in their Report a mass of evidence which would enable the House to judge properly with regard to the question. Therefore he strongly recommended the House to adopt the Committee as now proposed with the augmentation recommended by his right hon. Friend the Chancellor of the Exchequer; and he

Viscount Palmerston

thought that it would be found that the Committee so constituted would be an efficient instrument for procuring the desired evidence, and laying before the House, not opinions to guide its decision, but information as to facts to enable the House to form its own judgment on a matter of great importance and interest.

LORD HOTHAM said, he fully concurred in every word which had fallen from the hon. and learned Member for Hull (Mr. Watson) and the right hon. Gentleman the Member for Portsmouth (Sir F. Baring); but, on the other hand, he could not find words to express his surprise at the doctrine just laid down by the noble Lord at the head of the Government. He (Lord Hotham) had sat in the House of Commons for a number of years, and he believed the noble Lord had been a Member of it for nearly half a century; but he ventured to say that, until that evening, a Minister of the Crown had never recommended the appointment of a partisan Committee. A Committee constituted as the noble Lord suggested ought not to be authorised to send for "persons, papers, and records," but, prohibited from sending for anything, should be required to Report "forthwith." The Committee, as at present constituted, would be as well able to report in forty-eight hours as if they sat for three years. His own name had been placed on the Committee, he presumed, because the locality with which he was connected was likely to be affected by the Bill. Thus circumstanced he had no alternative but to serve, and do his duty to the best of his ability. But were his situation different, no consideration on earth should induce him to serve; for a Committee so constituted to inquire was a perfect absurdity; and, if such a tribunal was to be described, it could only be described in the language of the late Lord Denman as "a mockery, a delusion, and a snare."

MR. MILNER GIBSON said, that when there were great complaints about the composition of a Committee from both sides and different sections of the House, that was rather a proof to him that the Committee was probably a fair one, nobody being satisfied that he would have entirely his own way in it. The hon. Member for Sheffield (Mr. Hadfield) was not satisfied, neither were the hon. Members for the seaport towns. He, for one, must express some dissatisfaction himself that the hon. Member for Tynemouth (Mr. Lindsay), who had paid great attention to this question, was not placed on the Committee; but he wanted to know on what it was assumed that the Gentlemen named would keep their minds impervious to all the evidence produced before them, and would insist on reporting according to certain preconceived opinions? He believed that if a number of Gentlemen assembled in a Committee room they would not make Reports in direct opposition to the evidence brought before them; and he also thought that one active Member in the Committee was as capable of eliciting all the necessary information on any public question as half a dozen. The Committee would have to inquire into a great number of different cases, resting on totally different grounds, and he did not believe that it could be predicted which way the Members would vote on any one particular case. He was of opinion that the proposed Committee was as fair a one as could be appointed, though he regretted the absence from it of the hon. Member for Tynemouth. After all, the House would be guided by the evidence; and if it found that the Report of the Committee was not justified by the evidence, the House would not be guided by the Report. He therefore hoped that the noble Lord at the head of the Government would stand by the proposed Committee.

Mr. VANCE said, he could assure the noble Lord at the head of the Government that there were several ports in Ireland that paid local dues. He rose, however, principally to say that having been proposed as a Member of the Committee he should accept the nomination under the peculiar circumstances, though at a considerable personal sacrifice and detriment to his avocations. But he had an objection to make to the appointment of the hon. Member for Newry (Mr. Kirk). He was quite willing to testify to the general intelligence of the hon. Member; still he was already acting upon two other Committees, and therefore it was impossible to expect he could adequately discharge his duty upon a third. He thought that one of the Members for the City of Cork, or the hon. Member for Dungarvan (Mr. Maguire), who took a great interest in everything that concerned that city, might with advantage be substituted for the hon. Gentleman the Member for Newry.

Mr. HORSFALL said, he could not at all agree with the right hon. Member for Manchester (Mr. M. Gibson) that, because a general feeling of dissatisfaction was expressed against the constitution of a Committee, therefore it was likely to prove an efficient and impartial one. He certainly should have rejoiced if the noble Lord at the head of the Government had answered the appeal made to him by consenting to reconsider the constitution of the Committee. He (Mr. Horsfall) represented a large constituency, that was more deeply interested in the question than any other constituency in the kingdom. On that account he was most anxious that the Committee should be fairly constituted, and although the noble Lord had told them that there would be nothing of a judicial character attaching to the Committee, nevertheless it must make a Report to the House, with a view of enabling it to form a judgment, and in that sense the Committee must be considered a judicial one. He was very unwilling to submit an Amendment upon the Motion before them, but unless the noble Lord would consent to postpone the nomination of the Committee for a week, with a view to its reconstruction, he should move the adjournment of the debate until that day week.

Mr. FRANCIS SCULLY seconded the Amendment, upon the grounds that no Irishman had been named on the Committee, and the Report of such a Committee could not recommend itself to the confidence of the House or the country. Indeed, several hon. Gentlemen nominated on the Committee had been heard to declare that they could have no confidence in its Report—an announcement on the part of Members so placed which, within his (Mr. F. Scully's) experience, he must declare to be perfectly unparalleled. He thought, therefore, it would be impolitic on the part of the Government to persevere with the Committee as at present constituted. He thought it would have been more becoming in the right hon. Gentleman the Member for Buckinghamshire, if he had abstained from indulging in his sarcastic remarks upon the observations of his hon. Friend the Member for Cork. He could tell the right hon. Gentleman that Ireland was very much interested in this question. There were very large mercantile and manufacturing interests in that country which were wholly unrepresented on this Committee; interests which his hon. Friend (Mr. V. Scully) might well be justified in defending. It also appeared that no manufacturer was put on this Committee, a very important fact, when it was considered that the Bill in question affected their interests so deeply. He felt that this Committee ought to be composed of Members fairly representing the great manufacturing and commercial interests of the United Kingdom, and that Ireland should have its proper representation upon it. Allusion had been made by the right hon. Gentleman and the hon. Member for Glasgow (Mr. MacGregor) to a relation of his, the late Mr. Sheil—though in very creditable terms. Now, it appeared from the statement of the hon. Member for Glasgow, who was in office along with Mr. Sheil, that while Mr. Sheil was Vice President of the Board of Trade he never signed his name to an official document, or had it in his power to do any act beneficial to the country. This he (Mr. Scully) considered a most important circumstance, and a great loss that such abilities as he was acknowledged to possess should have been thrown away in so subordinate a position. He could only say that had Mr. Sheil not been an Irishman and a Roman Catholic he firmly believed that his talents would have raised him to the position of Cabinet Minister. With these few observations he begged to second the Amendment.

Mr. LABOUCHERE said, he thought that there were no discussions of a more disagreeable character than those which encouraged the canvassing of the names of particular Members of that House, and treating their peculiar fitness for a particular purpose. If, however, anything could add to the disagreeability, it was the introduction of extraneous topics not of the most conciliatory kind. He should endeavour to confine himself to the question exactly before the House—namely, the composition of the Committee. The noble Lord the Member for the East Riding (Lord Hotham) stated, in reference to what fell from the First Minister of the Crown, that it was the first time he had ever heard of the advantage of constituting a "partisan Committee" of the House of Commons. Now what he (Mr. Labouchere) understood by a "partisan Committee" was a Committee whose Members were all on one side. He would admit that a Committee so constituted would be constituted upon erroneous principles; and he should be surprised if any one with even much less experience than that of his noble Friend should proceed upon such a principle. But the accusation heard on all sides in the course of the evening had been, not that the opinions of the Committee were one-sided, but that it contained Members holding the most opposite opinions. What his noble Friend had really said was, that there was a positive advantage in constituting the Committee of such diversified elements. And when the noble Lord opposite told them that the Committee did not contain a single Member who was not thoroughly pledged to a particular view of the question, and was unable to exercise an independent judgment, he (Mr. Labouchere) must beg entirely to differ from that description of the Committee. In the first place, it should be observed that the Committee was composed of Members of great weight and character, and was emphatically what, in the language of the House, was termed a "strong Committee;" and he thought the Members of it were extremely unlikely to sacrifice their character and intelligence by subscribing to a merely partisan Report. Besides, there were many Gentlemen on the Committee who had never expressed an opinion upon the subject; indeed, he was not aware what were the opinions of certain among them. The noble Lord himself (Lord Hotham), for instance, representing as he did partly a mercantile and partly a consuming constituency, could not be considered to be in a state of mind that would prevent his exercising an unbiassed judgment when he came to report upon the subject; and what he said of him might be said also of other hon. Members. He, therefore, thought that no case had been made out for constituting the Committee upon a different principle from that followed by his right hon. Friend the Vice President of the Board of Trade, who, to his knowledge, had done all in his power to form a fair and impartial Committee. Reference had been made in the course of the discussion to a friend of his, now no more, who, while he lived, was a great ornament to that House and the country—he meant the late Mr. Sheil. It had been stated that Mr. Sheil, having been placed at the Board of Trade, was thus entirely thrown away, as not possessing those qualifications that would have enabled him usefully to have served the Crown and the public in that department. Now, he would not pretend to say that a gentleman of the brilliant abilities of Mr. Sheil might not have been placed in a situation more befitting his capacity than a subordinate office at the Board of Trade; and no doubt, if his valuable life had been spared, he would infallibly have arrived at such a situation. Still, having been his colleague at the Board of Trade for several years, he begged to say that upon all occasions he had found him most anxious to render service to the public, and that while connected with the department he did render most useful service. With regard to his not having signed papers, the Vice President of the Board of Trade, especially when the President had a seat in that House, was never called upon to sign papers. He believed it was a very common mistake to imagine that the brilliant and rare gifts of genius were inconsistent with practical industry in the public service. Nor could he forbear from offering as a testimony to the memory of his deceased friend that he had throughout their intercourse invariably found Mr. Sheil's judgment as sound, and his desire for the public service as great, as that of any man he had ever met.

Mr. DUNCAN said, he would only say, as a Member of the Committee, that he was entirely unpledged one way or the other. The town of Dundee, which he had the honour to represent, was interested in the question to the extent of £800 a year, and he should not attempt to deny that he would endeavour to get the town compensated for the loss with which it was threatened. At the same time he could pledge himself to act impartially upon the Committee.

Sir WILLIAM JOLLIFFE said, he wished to correct a mistake into which the hon. Member for the county Tipperary (Mr. F. Scully) had fallen, relative to a supposed slur cast upon the hon. and learned Member for the county Cork (Mr. V. Scully) by his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli). All that his right hon. Friend had done was to accuse the hon. and learned Gentleman of a want of memory, and to correct a mistake, appearing throughout the greater part of his speech, in declaring the difficulty in the way of Irish Members rising above the gangway. There was very little in the argument, but the right hon. Gentleman had met it by citing the case of Mr. Sheil. Constituted as it was, he thought the Committee must be a failure. He himself had done his best by a reference to both sides of the House to assist the Government in the formation of as strong a Committee as possible. He had, however, been overcome by insurmountable difficulties, as several Gentlemen best qualified to act on the Committee were prevented from doing so through other engagements. He thought the best thing that could be done under the circumstances was to postpone the nomination for a week, leaving the question to be decided either by the Committee of Selection or according to the manner that would most satisfy the House.

Mr. BASS said, he must also confess that he was not at all satisfied with the Committee. There were four Gentlemen representing seaport towns upon it, every one of whom was ready to declare that the object of the Bill introduced by the Vice President of the Board of Trade was to perpetrate a robbery on those towns; while, on the opposite side, there were six or seven other Gentlemen ready to declare with equal pertinacity that to leave the law as it was, involved the robbery of their constituents.

Viscount PALMERSTON said, he thought the House was prepared to come to a decision, and that nothing would be gained by an adjournment. The Committee was not a Committee to judge the question, but to obtain information, and to report that information to the House.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 67; Noes 108: Majority 41.

Question, "That Mr. Lowe be a Member of the Select Committee on Local Charges upon Shipping," put, and *agreed to*.

Upon the Question that Mr. Hardy be a Member of the Committee,

Mr. VINCENT SCULLY said, he thought it would be better to substitute for Mr. Hardy the name of some mercantile Member representing one of the seaports in the south of Ireland. He had not the pleasure of knowing that Gentleman, but believed he was of the legal profession, and quite inexperienced in Parliamentary matters, having only been elected a Member of that House during the last month. Two Irish representatives out of seventeen did not form a fair proportion, and the Members for Dublin and Newry (Mr. Vance and Mr. Kirk), should they be added by Government, would still leave the whole south and west of Ireland unrepresented on the Committee. He considered there should be at least three or four Irish Members on it; but presumed that, after the declarations made by the right hon. Member for Buckinghamshire (Mr. Disraeli), expressing his dissatisfaction with Government for having consented to add even two Irish Members, it would be vain now to urge that a third should be inserted. With reference to the right hon. Gentleman's observations, that he had indulged in bitter remarks, he begged to deny the imputation, and to state that neither on that nor any other occasion had he used a vituperative or bitter style in addressing an assembly of gentlemen. As a general imputation, it was more applicable to the right. hon. Member himself. As to the late Mr. Sheil, it was well known that but for his country and creed he would have occupied the position which his eminent talents fully entitled him to hold, that of a Cabinet Minister, instead of the inferior post of Vice President of the Board of Trade, with the "padlock on his lips," which he had often complained of. He presumed this padlock had descended to his present successor in that office, from the obstinate silence maintained that evening by the right hon. Gentleman, though repeatedly challenged to defend or excuse his conduct.

Mr. R. PHILLIMORE hoped the Government would not withdraw the name of Mr. Hardy, who, though a young Member, displayed considerable ability, and entered the House with a reputation which he bade fair to maintain.

Mr. VINCENT SCULLY said, that on account of the character given of the hon. Member he would withdraw his objection, especially as he saw no prospect of adding another Irish Member to the proposed Committee.

Mr. Hardy, Mr. Milner Gibson, Mr. Horsfall, Mr. Fenwick, Sir Stafford Northcote, Mr. Cobden, Mr. Watson, Mr. Bouverie, Mr. Headlam, Mr. Cardwell, Sir John Duckworth, Mr. Duncan, Lord Hotham, and Mr. Moffatt, nominated other Members of the said Committee:—Power to send for persons, papers, and records; Five to be the quorum.

AUDIT OF PUBLIC ACCOUNTS.

Mr. BOWYER: Sir, I rise pursuant to notice to call the attention of the House to the subject of Audit of Public Accounts. It will be in the recollection of the House that when the right hon. Member for Buckinghamshire (Mr. Disraeli) held the office of Chancellor of the Exchequer, he stated, in bringing forward his Budget, that the public accounts and the system of audit would be taken into consideration by him, with a view to improving that important part of the public service. The country looked with great satisfaction and lively hope to the announcement that the right hon. Gentleman was about to apply his consummate ability and his great powers to that subject. But soon afterwards the Government to which he belonged resigned, and no more has been heard on the matter from that day. This was a disappointment to those who felt the importance of the subject. But I should hesitate to bring the matter before the House if it were not for two circumstances which force it into public notice. For the last two years the Estimates have exceeded in magnitude those of any other period, since the great struggle which was terminated by the treaties of Paris and Vienna; and even now, when the blessings of peace are restored to us, we cannot hope that for some time to come the Estimates will return to the limits which belong to times of complete security. This is a reason why the due management of the public accounts should be brought before the minds of thinking men. But there is this further circumstance. The House will remember that, when the Estimates for the Audit Office were proposed, it appeared that thirty-six clerks had been transferred from that department to the War Office. The reason given by Her Majesty's Government for this change was, that, as the Commissariat was transferred from the Treasury to the War Department, it was right that the audit of the Commissariat accounts should be transferred to the War Department also, and for this purpose those clerks were taken from the Audit Office and placed in the War Office. It seems to me that the reason given leads to the directly contrary conclusion. The fact that the Commissariat has been transferred to the War Office is the very reason why the War Office should not audit the Commissariat accounts. I am, moreover, informed that, although the removal of the Commissariat accounts has diminished the business of the Audit Board, the withdrawal of thirty-six clerks renders that Board inadequate to discharge its business. The last returns of the state of business in the Audit Office laid before Parliament in 1839, shows a great arrear, sometimes of eight or nine years. And, I fear, that the change just adverted to will render the arrears still greater. Various improvements have from time to time been made in this department, but those measures have been ineffectual, because the real defect has not been dealt with. That defect is the want of power in the Audit Board over the business confided to it. The Board is merely passive. It is not invested with power to compel accountants to bring in their accounts in a proper manner and at proper times, and to make them pass those accounts completely and regularly. I will show that this defective state of the audit is no part of the old constitutional law, and that it arose entirely from circumstances of an historical character. According to the old constitutional law, the Exchequer had complete control over all the accountants of the Crown. The principal accountants were the sheriffs and escheators, and the customers, who received the revenues of the State. The sheriffs especially were the greatest accountants. They managed the landed property of the Crown, and received the rents, and also received the revenues arising from the incidents of feudal tenures, as well as the aids and scutages granted by Parliament. All these officers were compelled to account to the Exchequer, and were under the control of that Court, from which, after passing their accounts, they received their *quietus* or discharge. Thus there was then a court of accounts, having entire control over the business which it had to transact. Subsequently the old feudal revenue dwindled and became insignificant, especially after the statute of King Charles II. abolishing military tenures, and new branches of revenue sprang up, and new officers were created for its collection and management. These new officers did not account to the Court of Exchequer, as the old officers did, but they rendered their accounts according to an imperfect system before the Auditors of the Imprest, and then before Commissioners appointed under Acts of Parliament, without the powers which belonged to the Court of Exchequer over the sheriffs and others. The Commissioners of Public Acts in 1785 pointed out this evil in their eighth Report. They stated that the power of compelling accountants to come in and account was lodged in the Court of Exchequer. This was done by ordinary process or by extraordinary process. The ordinary process was called *distringas ad computandum*, which issued periodically in every issuable term. The extraordinary was called *capias ad computandum*, which only issued by special order of the Court of Exchequer where money to be accounted for was in danger. The *distringas* was merely formal. It was issued to the Sheriffs of London and Middlesex, within whose bailiwick all accountants were supposed to be, and they regularly returned *nulla bona*, and *non est inventus*. The Commissioners then proceed to examine the office of the Auditors of Imprest. They state that the power of those officers was restricted to the examination of accounts. They had no power to bring accountants before them. If not compelled by Exchequer process, those accountants come at their own pleasure only. The Commissioners report, that the first cause of delay in the office of audit is, the want of an effectual power to bring persons to account. "This," they report, "is the source of delay which extends to every account subject to be passed in the auditors' office." They therefore recommend that the writ of *distringas* should be properly executed, and the accountants summoned before the Barons of the Exchequer to give reasons for their delay. The remedy thus suggested is, however, manifestly ineffectual. For it does not give the auditors a proper control over their own business, but leaves them with incomplete functions and entirely dependent on the Court of Exchequer. The statute 25 *Geo.* III. c. 52, passed in accordance with this suggestion, gave increased powers to the Audit Department. It abolished the Auditors of Imprest, and gave to the Crown power to appoint five Commissioners to audit the public accounts. Section 9 provides that the Commissioners may call accountants before them by precept under their hands. But the statute gives them no power to compel obedience to the precept—to compel attendance, or production of vouchers, books, and papers, and the like, without recourse to the Court of Exchequer. By Clause 19, only the Court of Exchequer has power to compel accountants to bring in their accounts. The Act gives no power to the Commissioners to enforce the various requisitions necessary for passing the accounts, such as answering queries, producing papers, and securing balances. By statute 46 *Geo.* III. c. 141, the number of Commissioners was increased to ten. The power of issuing precepts was extended, but the Act still leaves the auditors dependent on the Court of Exchequer. I come now to the last statute—1 & 2 *Geo.* IV. c. 121. This statute abolishes the ordinary process of *distringas ad computandum*, and renders the process of the Court of Exchequer more effectual, but still leaves the Board of Audit dependent on that Court, and unable to enforce its own authority. By Clause 26, persons refusing to attend and be examined on oath, or to produce papers, books, &c., or to obey the lawful requisitions of the Commissioners, are made liable to be fined by the Court of Exchequer, on the application of the Commissioners or the Attorney General. Here the House will observe that even the Court of Exchequer has only the power to punish disobedience, and that by a circuitous mode, on the application of the Commissioners to the Court or to the Attorney General; but there is no mode to compel obedience. The consequence of this imperfection of the powers of the Board has been great inconvenience to the public service, and considerable arrears in the Audit Office. The great defect which I have pointed out is a sufficient cause of that inconvenience and those arrears. It is a fundamental principle in administrative science that every department ought to have within itself all the powers necessary to give it a full control over the business which it has to transact. But how is it with the Audit Board? That Board has no power to compel obedience on the part of those over whom it is placed. It has no power to compel them to bring in these accounts. When these accounts are brought in, if an account is not satisfactory, the Board query it and send it back, and may surcharge the accountant. But the Board has no power to compel an immediate answer to the queries. Thus the Audit Office, in a letter to the Treasury of the 28th of February, 1849, complain of the want of anxiety of the accountants to answer the queries put to them, and recommend provisional surcharges to remedy that evil. Then, there is no power in the Commissioners to compel the immediate production of particular papers or documents, and none to arrest accountants and secure balances of public money without a slow and circuitous proceeding through the Court of Exchequer. Another defect must not here be omitted. Dr. Bowring, in his Reports on public accounts, points out that accounts are not audited in the form in which they are brought into the office. They are carried in in the form of the accounts of the particular department from whence they come, and then they have to be stated, being altered and put in the form required by the rules of the Exchequer, and then so declared. Now, Dr. Bowring and Sir H. Parnell both recommended a perfect uniformity of all accounts in every department—according to the Italian or commercial system—and that the account should be carried in in the form in which it is to be audited. This would save much time, for the process of stating the account after it is carried in, sometimes takes a month or even more. But the chief defect of the system pointed out by those gentlemen is, that the Board of Audit is not an independent efficient department, for want of power over its own business. Dr. Bowring, in his Reports, refers to the French Court of Accounts as a model of what a Board of Audit ought to be. That Court has no arrears. It audits the public accounts of France punctually from year to year without leaving any arrear. At this late hour of the night, I ought not to go into details. I shall, therefore, only make a very few more observations. The Court of Accounts is a regular body of independent Judges, who have all the machinery necessary for the audit of the public accounts. The Court has full jurisdiction over all accountants, and power to enforce its orders and decrees, both to compel accountants to bring in their accounts, and to enforce all its requisitions and orders during the process of audit. Thus the Court of Accounts has entire control over the business with which it is entrusted by law, without reference to, or dependence on, any other power in the State. In some cases it sits publicly, and hears judicially matters arising between the Crown and accountants. This remarkable institution also performs divers other duties, arising out of the audit of accounts, and highly advantageous to the public service. I am anxious to direct the attention of the House and the Government to it as an important example contrasted with the imperfect and comparatively inefficient system existing here. I speak of the system, because the persons employed in the Department of Audit are in no way to blame, and they will bear comparison with any other class of public officers. It is to the defects of the system that I desire to call the attention of the House. I have now only to thank hon. Members for patiently listening to my observations on this dry subject, especially at so late an hour of the night.

The CHANCELLOR of the EXCHEQUER said, he fully admitted the importance of the subject, and his attention had been directed to it. The hon. and learned Member's remarks raised two questions: first, the state of legislation affecting the constitution of the Board of Audit; and, secondly, the administration of the whole system of audit under the existing law. He had had under his consideration the consolidation of all the various Acts relating to the audit without making any alteration in the audit itself. The question was, should the character of the audit, which, by a long series of statutes, had led to the establishment of the present Board of Audit, be changed? There were a number of departments consolidated in that Board, but its powers were not so extensive as the Chamber of Accounts in France, which possessed judicial powers as well as the powers of an ordinary audit. The present administration of our Board of Audit under the able superintendence of Mr. Romilly was anything but inefficient. At the same time, he was not aware that the Board as it existed was not efficient for its purpose. The hon. and learned Gentleman appeared to think that the transfer of the duties of the Commissariat to the War Department was detrimental to the public service. That subject had been discussed on a former night in Committee of Supply, and since that debate a full explanation of the manner in which the transfer from the Commissariat to the War Department, and the retransfer to the Treasury, and the grounds upon which it had taken place, had been laid upon the table. The transfer was consequent upon the consolidation of the business of the Commissariat with that of the War Department. In the business of the Commissariat there might be said to be two distinct operations. One was in the nature of banking, it being the duty of the Commissariat to keep the military chest supplied in all parts of the world. This business was transferred to the War Department, but it being found that that department was not fitted to transact it, it was retransferred to the Treasury. The other department of the Commissariat was that which had to do with provisions, clothes, fuel, and the transport of men and stores. That which was more of a military character, used to be managed by the Treasury, under the responsibility of the assistant secretary, but was transferred to the War Department when the various branches of that department were consolidated. But the Treasury had no separate audit, and, as the most convenient course, those accounts were referred to the Audit Office, where they were audited by a special staff of clerks. When, however, the transfer took place, there was no longer any necessity for keeping up this department. The details of the naval and military accounts had been always conducted by those departments themselves—the Admiralty auditing the one, and the War Office the other; but when the transfer took place it was found convenient to place the audit of the whole of the naval and military accounts in the same hands. Those accounts were accordingly sent to the Audit Office, where they underwent a full investigation; the vouchers were examined, and every item was placed under its proper head in regard to appropriation, so that there was an audit of appropriation as well as of authentication of payment. The whole mass of naval and military accounts were subjected to this ordeal, which he submitted was sufficient.

Sir FRANCIS BARING said, at that period of the night it was impossible to discuss a question of this nature, but the audit of the army accounts was undoubtedly a subject of great importance. He confessed he did not precisely understand what was the present state of that audit, but he hoped that before the Estimates passed through the House a full discussion would take place upon the question, and he might at the same time observe that he had given notice of a Motion which would bring the whole subject under the consideration of the House. He was glad to find that the Commissariat accounts, or what was called the Commissariat chest, had been retransferred to the Treasury, for he had always been of opinion that those accounts could not be satisfactorily kept by the War Office. So far as his recollection served him, the details of the Commissariat accounts had formerly been audited at the Treasury, and he believed they were subsequently transferred to the Audit Office. It was thought at that time that all public accounts should be audited by the Audit Board, and many accounts were transferred from separate auditors and controllers, and were handed over to that Board. He thought that was a right principle, and that the Audit Board ought to be auditors of all public accounts. The right hon. Gentleman the Chancellor of the Exchequer had stated that the naval accounts were audited by the Admiralty, and it was true that the accounts were checked there; but clerks of the Audit Office were present, by whom those accounts were overhauled. Although, therefore, the accounts of the navy were not actually audited at the Audit Office, they were audited under the eyes of the Audit Board. Some years ago, at his recommendation, a Commission was appointed, at the head of which was Mr. Larpent, of the Audit Board, in order to ascertain to what extent the army accounts could be placed under the control of that Board. Some alterations were consequently made, with the nature of which the House was not sufficiently acquainted, and he did not know how far the Audit Board exercised any control over the accounts of the army. For his own part, he thought such a check ought to exist, and that the Audit Board ought to possess the same check with regard to the Commissariat expenditure that they exercised with respect to the naval expenditure. He hoped the Chancellor of the Exchequer would consent to lay upon the table the Report of the Commission over which Mr. Larpent presided in 1841 or 1842, and also copies of the Minutes relating to the transfer of the Commissariat accounts. He regretted that the House showed so little anxiety with regard to this subject, which, in his opinion, was one of the most important that could engage its attention.

Mr. DISRAELI said, he fully agreed with the right hon. Baronet that the subject now under consideration was one of very great importance, and he thought they were much indebted to the hon. and learned Gentleman who had brought it under the notice of the House, although he had done so at a moment which was not favourable for a full discussion of the subject. He had been glad to learn from the observations of the right hon. Baronet (Sir F. Baring) that on a future occasion the attention of the House would again be called to the question. He did not rise for the purpose of continuing the discussion, but merely with the view of showing that respect which he thought the House ought always to evince towards any hon. Gentleman who brought under its notice subjects of importance which, from accidental circumstances, did not receive the attention to which they were entitled. The Audit Office, like everything in this country, had been the creation of time and circumstances, and had very gradually attained its present importance. In the first instance only one or two accounts were subjected to its revision, but it now exercised control over a large portion of the public expenditure. There could, however, be no doubt that the position of the Audit Office, considering how vast the expenditure of this country had now become, was not of so satisfactory a description as it ought to be. In his opinion an audit administration should be complete and independent. The whole accounts of the country should be placed under its control, and it ought to be directly responsible to that House. The taxes were voted by that House, which represented the people by whom those taxes were paid, and he conceived that the auditors of the public expenditure ought to make their reports directly to that House. He thought, at all events, there could be no difference of opinion as to the importance of rendering the audit administration complete. He hoped the attention of the Government would be directed to this question, and, although this was the first discussion he recollected on the subject, he trusted that it would be followed by others which would lead to a more efficient audit of the public accounts.

Viscount PALMERSTON said, no doubt nothing could be more important than that there should be a good and complete audit of the public accounts, and most especially of the army accounts, but it was a great mistake to suppose that the audit of the military accounts was not complete and effectual for its purpose. It was not conducted by the Audit Office, and in his opinion it could not be. He was speaking of that great mass of the public expenditure which consisted of the money voted for the army's service—that was to say, for the pay and allowances of the regular Army, the Militia, and Volunteers. Now what was the audit that was required for that service? The whole of the money voted for the pay and allowances of the troops was issued through the regimental paymasters, periodically, upon estimates which they sent beforehand of the probable expenditure of the next month or two months. But it was issued to them in conformity with regulations framed and issued by the War Office, involving most minute details and providing for every variety of circumstances attending the services in which officers and men could be employed. When the accounts of the regimental paymasters came in, what was the object of the audit? It was twofold:

in the first place, to ascertain that no sum had been issued for which the paymaster had not a voucher to show that it had been actually expended; but next, and almost equally important, was to ascertain that it had been issued in conformity with the regulations. Well, now, the Board of Audit were not competent judges of that matter. They did not know the regulations of the army. The War Office was the easiest and readiest judge of whether the sums issued and vouched for, as having been expended, had been issued in conformity with the regulations. The business of the very able men who composed the War Office was to check those accounts, and to report to the Secretary for War those issues which had been made, but not vouched, or which, if vouched, were not in conformity with the regulations of the service. If the issues had been made, and were not vouched, the case was very simple. The paymaster and his sureties were liable for the amount. But it constantly happened, and in an infinite variety of cases, that issues were made, and properly vouched that the money had passed out of the hands of the paymaster, but issued in a manner not in conformity with the strict regulations of the service. Those cases were referred to the Secretary for War, for him to determine whether they were justified by the particular circumstances of the case. That the auditors could not possibly be competent to determine; it could only be determined by the authority that issued the regulations, and therefore when hon. Members thought that the great bulk of the army expenditure could be audited by the Board of Audit, he could state that such an arrangement would involve a great amount of correspondence and delay. What would happen? The auditors would find a charge made by the paymaster not in confirmity with the strict regulations of the service. They could not judge whether it would be proper to allow that charge, and they would have to refer to the Secretary for War, and ask him whether, after the explanation of the paymaster, the charge should be allowed. The Secretary for War would write to the auditors to tell them what they were to do, and instead of being an efficient audit, it would only involve much correspondence and delay. He spoke from some knowledge of the matter—he held for some years the office of Secretary at War, and he knew that it was impossible for anything to be more strict and more prompt than the audit of the accounts of that part of the public service which related to the pay and allowances of the troops, which of course constituted the great bulk and almost the whole of the Army Estimates. In the present year other services had been combined—namely, those that belonged to the Ordnance. The accounts of the Commissariat and stores were of a different description.

Mr. HENLEY said, he thought it was quite plain from the statement of the noble Lord that the question raised by the right hon. Baronet the Member for Portsmouth (Sir F. Baring) could not rest where it was. From that statement it appeared that the Minister for War was to make regulations, to see whether they were complied with, and, if not, to decide whether they should be relaxed. Now, it had always been understood that it was the duty of the Treasury to check and control the other departments whenever the Audit Board reported that anything was amiss. The noble Lord had given a strong opinion as to the issue of pay, but had passed slightly over the Commissariat and Ordnance, though the House ought to know by an independent audit whether the sums voted for those branches were applied to the purposes for which they were intended.

The CHANCELLOR of the EXCHEQUER said, that the whole of the expenditure in the Commissariat and what used to be Ordnance Departments came before the Board of Audit, which saw that every charge had a voucher, and that every item was brought under its proper head in the Estimates, so as to correspond with the Appropriation Act.

Mr. HENLEY said, that the arrangement was a very convenient one, and ought to be brought before the House more clearly than it had hitherto been. Nevertheless, with respect to the large sums payable in the army and Ordnance he still thought there should be an independent audit, to decide, among other things, in what cases there should be a departure from the established regulations.

Mr. W. WILLIAMS said, the present state of the audit of the accounts was very unsatisfactory, and the explanation of the Chancellor of the Exchequer showed that some great amendment was necessary. It appeared to him that they would never arrive at a true audit till a power was vested in the auditors to demand that within a certain period of time accounts of all the moneys voted by that House should be laid before them. It was with regard to the army there would be a difficulty, because the regulations were made by the War Office; but why should not the regulations be laid before the auditors?

Mr. BOWYER said, he would beg to ask the right hon. Gentleman the Chancellor of the Exchequer whether he would lay before the House certain Returns made in 1849, of the accounts then in arrear at the Audit Office. The House would then know better what it was about than it did now. If there was an independent Audit Board, like the Board of Accounts in France, it would be the duty of the Secrefor War to lay before it the regulations made by him involving expense, and then there would be no difficulty in the audit.

Subject dropped.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 9, 1856.

Minutes.] Public Bills.—1° Education (Scotland); Parochial Schools (Scotland).
2° Oath of Abjuration.
3° Trial of Offences.

EXPORT OF MUNITIONS OF WAR—QUESTION.

In reply to Mr. Thornely,

Mr. WILSON said, that on Monday last it had been determined to remove at once the restrictions on the export on all articles not munitions of war. At the same time he might state that he hoped to be able to announce that in a few days all restrictions whatever would be removed. He was happy now to be able to announce that an Order in Council would on that day be passed, removing all restrictions both on trade and navigation.

OATH OF ABJURATION BILL.

Order for Second Reading read.

Mr. MILNER GIBSON rose to move the second reading of this Bill, and observed that, not having had an opportunity of making any statement with reference to it on the occasion of its introduction, he would now submit to hon. Members certain considerations which appeared to him well calculated to induce the House to give a favourable reception to the measure. This course was the more incumbent on him as he found that he was threatened with opposition, though, indeed, remembering in what the main difference consisted between the hon. Gentlemen who supported the Bill and those who sat on the other side of the House, he had not been without hope that he might have been permitted to carry the Bill through its present stage. To avoid misapprehension as to the objects he had in view, and to guard against the danger of being lured into a wider field of discussion than the occasion required, he would assure the House at the outset that he had no desire to raise the general question of promissory political oaths, or the kindred question to what extent such oaths formed the real securities for the Crown and Government of this country. But he would claim the assent of hon. Members to these obvious propositions, that political oaths ought to be suited to the times in which they were taken, and that useless oaths were opposed alike to policy and religion. He might also assert with confidence that the position that had been laid down by a Committee of the House of Lords in 1834—namely, that it was the duty of the Legislature to abolish all unnecessary oaths, commended itself to the judgment and good feeling of the Commons; as also did the opinion advanced by the same Committee that, even where oaths were retained, care should be taken to avoid their needless repetition. These were such obvious maxims, so true and clear, that he would not attempt to enforce them by any argument; but it would be for him to show that with these principles the proposition he was now making, that this Bill be read a second time, was strictly consistent. The Bill dealt only with one oath. It simply affected the law which required that the oath of abjuration should be taken by persons occupying a variety of offices in this country, and also by the Members of both Houses of Parliament. It was substantially the same as the measure that had been brought into the other branch of the Legislature by his noble and learned (Friend Lord Lyndhurst), and, though verbally different, it enjoyed the entire approval of that distinguished man. The enacting clause merely provided that the oath of abjuration and the assurance, as set forth and prescribed in an Act of his late Majesty George III., should not, from and after the passing of this Act, be required to be taken, subscribed, or made on any occasion or for any purpose whatsoever. There was no interference here with the obligation now imposed by law on

Roman Catholics, to take the oath prescribed in the Roman Catholic Relief Act, nor did the Bill affect, in the slightest degree, the liability which would still remain to take the oaths of allegiance and supremacy. The Bill confined itself exclusively to one object—the relief of all Her Majesty's subjects from the obligation of taking the oath of abjuration; and it did so on this ground—that the oath in question was a political one, adapted to meet a political danger existing at the time of its introduction, and that, that danger having long since passed away, the oath itself was now superfluous and unnecessary. To certain hon. Members, who had paid but little attention to this subject, it might perhaps occur that, in asking them to discontinue a practice that had prevailed for a century and a-half, he was soliciting their sanction for a needless innovation; but, if they would read the oath and reflect for a moment on its history, there would probably arise in their mind a feeling that there was a strong antecedent probability that an oath originally imposed under a state of things so unlike our own might be unsuitable to the days in which we now lived, and that lapse of time, and change of circumstances, had completely superseded the necessity for its administration. That we should have so long neglected looking into this matter need not surprise us, seeing that we were now daily employed in getting rid of obsolete oaths. One of the objects of the Universities Bill now before Parliament was to enable the authorities of those institutions to dispense with obsolete oaths. Soon after the passing of an Act introduced in the reign of William IV. with the object of providing for the abolition of unnecessary oaths, and which Act, moreover, contained an exception in certain cases connected with the Customs and Excise from the very oath now under consideration, there was laid upon the table a return showing that the operation of the measure in question had been to abolish in the course of a single year no fewer than 125,000 oaths. He defied the keenest scrutiny to point out the slightest insecurity to our institutions consequent upon the removal of this huge heap of oaths. Let him now call the attention of the House, and especially that of the hon. and learned Member for Stamford (Sir F. Thesiger), who had given notice of an Amendment to continue the law in its present shape, to the anomalous position in which the oath of abjuration now stood. By his proposal to retain the existing law, the hon. and learned Gentleman would no doubt tell them that he did not mean to assert that the oath should be enforced indiscriminately upon all who were now required by statute to take it, but that it should be systematically waved in numerous instances. If the House, however, were really not prepared to enforce a law, it was surely high time for them to inquire whether that law ought not to be either wholly repealed or materially modified. He had obtained the opinion of eminent counsel as to the various classes of persons who could be legally called upon to take this oath, and found that they comprised all the officers and men in the naval and military services of the country, persons holding offices of various kinds, barristers, solicitors, as well as schoolmasters and ministers of religion; so that if the statute were rigorously carried out, as Jews could not conscientiously take the oath, in consequence of its form of words, it would practically prohibit the education of Jewish children and totally suppress the public worship of that persuasion. The only person exempted by law, from the abjuration oath, were the officers of the Customs and Excise department, who were simply required to take the oath of allegiance. The enforcement of the law would, therefore, amount to a virtual outlawry of a portion of Her Majesty's loyal and affectionate subjects. The hon. and learned Member for Stamford would probably remind him of the acts of indemnity passed year after year to relieve persons holding the offices and employments enumerated by the statute from the penalties which it attached to non-compliance with its provisions; but then it would surely be far more rational (to use the language of Lord Brougham) to pass a perpetual instead of an annual indemnity, and thus wholly to remit the obligation to obey this obsolete enactment. In the cases in which the oath was insisted upon, namely, when it was made a preliminary condition to the assumption of any office—no doubt it now affected many persons injuriously; but in the great majority of instances, namely, where it was not required to be taken, except at stated periods, subsequent to the original appointment to any situation—the law slept, and the parties were allowed to escape the oath entirely. The enforcement of the law which the hon. and learned Member for Stamford wished to preserve would, however, exclude Members of the Jewish persuasion who now practised in our courts as barristers and solicitors from all professional employment. Another inconsistency which marked the present state of things was that Members of Parliament were the only class of persons denied a share in the benefits of the annual Indemnity Act. The avowed object of the oath of abjuration was to bind down persons engaged in the discharge of important executive duties from perverting the power vested in them by the Crown to further the claims of the Pretender, and the persons specially contemplated in its enactment were those connected with the army and navy, the teachers of youth, and the ministers of religion. Yet the crowd for whom the oath was chiefly prescribed were exempted from taking it by the annual acts of indemnity, while Members of Parliament were, on the other hand, pertinaciously held to the obligation. As illustrative of the intended universality of the abjuration oath, when originally imposed, it might be mentioned that it was related in *Boswell's Life of Johnson*, that the person who drew it up shamelessly boasted that he had devised an oath that would damn one half of the nation and starve the rest. And certainly many persons might be starved at the present day if the law, which the hon. and learned Member for Stamford proposed to maintain, were impartially exacted. The hon. and learned Gentleman, however, could not really mean to enforce the provisions of the statute; he was prepared to practically repeal the laws to a considerable extent; and, therefore, it was rather hard that he should oppose the second reading of a Bill which would grant relief in a proper and legal manner to the very class of cases which he himself held to be entitled to it. The first ground on which he asked for support for the second reading of this Bill was, that no reasonable man could desire the oath of abjuration to be maintained in its present shape. Alter the form of this oath they must, whatever else they refused to do. Nobody would dispute that; and therefore it was surprising that the hon. and learned Member intended to resort to the extreme course of attempting to throw out the Bill, the more especially as one of the Members for Cambridge University had given notice of his intention to bring in a measure to alter the wording of the oath, as being unsuited to the times in which we live. Certainly, he (Mr. Gibson) would not have treated that Bill as the hon. and learned Member for Stamford proposed to treat the present one. In his own opinion, no substitute for the existing oath of abjuration was at all needed; but those who took a different view would not be precluded by voting for the second reading from proposing a modified form of words when the Bill was in Committee. One thing, however, was quite clear. This oath could not be retained as it now stood. Its abjuring clause was as follows:—

> "And I do solemnly and sincerely declare, that I do believe, in my conscience, that not any of the descendants of the person who pretended to be a Prince of Wales during the life of the late King James the Second, and since his decease, pretended to be, and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to any of them."

The only persons here abjured were the descendants of the person who pretended to be Prince of Wales in the life of James II.; but it was a notorious and indisputable fact that none of the descendants of that individual now existed; and to make a solemn appeal to the Deity in attestation of our renunciation of all allegiance to persons who had no existence would be simply ridiculous, if it was not manifestly profane. This part of the oath was a palpable anachronism. On this point Lord Derby, on the second reading of a "Bill to alter the oaths," in another place said—"I do not object to leaving out of the oath the words "renouncing allegiance to the Pretender."" But this clause omitted, the oath at once lost its distinctive character; for it could hardly be contended that, if the abjuring words were expunged, it could any longer deserve the name of an "oath of abjuration." It would then only consist of a series of affirmative promises to do certain things. The preamble of the Act first prescribing this oath, and which received the sanction of William III., only when that great monarch was on his deathbed, distinctly showed that the renunciation of the claims of the person pretending to be the Prince of Wales in the reign of James II., and, together with his descendants, was the main and primary object of the enactment. The preamble stated—

> "Whereas the French king, in hopes of disturbing the peace and repose of your Majesty

and your kingdoms, and creating divisions therein, hath, since the making of the said Act, caused the pretended Prince of Wales to be proclaimed in your Majesty's said kingdom of France by the name, style, and title of James," &c.

This oath was, therefore, at first framed to abjure the Pretender; but when the Pretender died in 1765, Parliament did not act so absurdly as to cling to a form of words which his decease had rendered obsolete; but changed its phraseology so as to point it against his descendants. Therefore, now that the descendants of the Pretender were all extinct, the House would only be conforming to established precedent in again adapting the oath to the altered circumstances of the times. When Lord Lyndhurst introduced a Bill for the alteration of the oath into the other house, Lord Derby, although differing from the noble and learned Lord on the question of Jewish emancipation, consented to the second reading of the measure, in order to secure the excision of the effete part of this oath; and he hoped that the hon. and learned Member for Stamford would now follow the example of his leader, and allow this Bill to go into Committee. He (Mr. Gibson) was, however, prepared to show that the whole of this oath could be not only safely but advantageously dispensed with. Having already disposed of the paragraph abjuring the Pretender, what were the clauses of the oath that remained? The opening words were these:—

> "1. A. B., do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this realm, and all other Her Majesty's dominions and countries thereunto belonging."

These words were quite superfluous, their purport being plainly included in the oath of allegiance, by which the persons sworn promised to "bear faith and true allegiance to Queen Victoria." The engagement taken by the oath of abjuration then proceeded:—

> "And her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever, which shall be made against Her person, crown, or dignity."

The obligation to defend the Sovereign from traitorous conspiracies was necessarily implied in the undertaking to bear faith and true allegiance; and this passage was therefore only surplusage. The same remark applied to the next clause—namely:—

> "And I will do my utmost endeavour to disclose and make known to Her Majesty, and Her successors, all treasons and traitorous conspiracies which I shall know to be against Her or any of them."

The oath then continued—

> "And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever; which succession, by an Act intituled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants."

To promise to defend the Queen against the descendants of "the said James," was to promise nothing, because those descendants had no existence, and therefore these words being wholly impertinent ought unquestionably to be struck out. To say that we would support Her Majesty against "all other persons whatsoever," had indeed more apparent significance; but, armed as he was with the authority of both Lord Lyndhurst and the Lord Chief Justice of the Queen's Bench on this point, he ventured to assert that there was no necessity for any oath to maintain the Act of Succession. On the demise of the Crown, the Sovereignty instantly vested in the Protestant heir under the Act of Settlement, and all Members of Parliament were required to swear allegiance to the new monarch. Thus, allegiance to the Protestant succession was fully provided for. The support of the succession was also involved in the oath of allegiance, inasmuch as it would be impossible to be faithful to Queen Victoria and yet engage in plots to subvert her rights and those of her legal heir, the Prince of Wales. Moreover, the oath of abjuration did not bind Members of Parliament in their legislative capacity. That proposition was admitted on all hands. It was once disputed whether the King after taking the coronation oath could consistently give his assent to the Roman Catholic Relief Bill; but it was afterwards held that that obligation was only binding on him in his executive and not his legislative capacity. If the Act of Succession could speak for itself it would hardly thank them for an oath like this, which could not prevent the three branches of the Legislature from altering the succession if they saw fit. At the same time, when Lord Lyndhurst introduced his Oaths Bill into the other House, he was ready to agree to a form of words guarding the succession, out of deference to those who thought that necessary. In a similar spirit he (Mr. Gibson) was willing, if the omission of such a provision were made a material objection to his Bill, to offer no resistance to its insertion. It might be as well to mention that when the Criminal Law Commissioners reviewed the oaths some time ago, they recommended that an obligation to maintain the succession to the throne, as limited by the Act of Settlement, should be added to the oath of allegiance to the reigning monarch. Whether the object in view should be effected in that form or otherwise, it would, however, depend upon the wisdom of Parliament to decide. He had now come to the concluding part of the abjuration oath, which was as follows—

> "And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian, so help me God."

Having got rid of all the antecedent paragraphs, this one must, as a matter of course, go likewise, because there would be nothing left to "acknowledge and swear." The words of acknowledgment and recognition, on "the true faith of a Christian," would thus be disposed of, unless it was to be contended that they were a substantial part of the oath and ought to be maintained as a declaration of religious belief. If this were the ground taken by the hon. and learned Member for Stamford, nothing would be easier than for him to enact that as a qualification for sitting in that House, and for filling public offices and other situations, a declaration of religious faith should be insisted on. That would be a straightforward and intelligible proceeding, and if Parliament assented to it, it would have to be submitted to, as the law of the land, by every man, however dissatisfied individually with such a principle. But if the oath were in itself obsolete and unnecessary, surely the hon. and learned Gentleman would not seek to keep it alive for the indirect object of instituting a religious test. Parliament had formerly enacted such tests for the avowed purpose of excluding from the Legislature and from certain offices persons whose religious or political creed was supposed to be dangerous to the State; and, therefore, it would be unfair to insist on retaining the words, "On the true faith of a Christian," until the House first declared its express intention to be to withhold the civil rights of a portion of Her Majesty's subjects. If any one point was more clearly elucidated than another, at the trial of *Miller* v. *Salomons*, in the Court of Exchequer, it was that the concluding words of the oath of abjuration were never meant to be a religious test. Mr. Baron Alderson distinctly stated that these words were not a religious test, and he explained the manner in which they found their way into the oath. It was thought that the introduction of those words would render the oath of abjuration binding upon some persons, who might otherwise have taken the oath with a mental reservation. Baron Alderson said—

> "It is a curious fact, only lately brought to light by the publication of a manuscript from the Bodleian Library at Oxford by Mr. Jardine, that one of the main proofs used by Lord Coke, when he laid that case before the jury, was the production of a little book found in the chamber of Francis Tresham, one of the conspirators mentioned in the Act, called *A Treatise on Equivocation*. This treatise, corrected in the hand of the Jesuit Garnet, and having the *imprimatur* of Blackwell, the then arch-priest of England, discusses the question how far a person called upon, as he thinks unjustly, to make a declaration or promise, or to depose or swear to a fact within his personal knowledge, may lawfully equivocate by using ambiguous words or reserving mentally a sense of the words used different from that outwardly expressed by him, without incurring the sin of lying or the guilt of perjury. The question is there resolved in the affirmative, that he may lawfully do this; and among other propositions it is affirmed that even if he be required by the form of the oath tendered in terms to swear, 'without equivocation or mental reservation,' he may still equivocate and mentally reserve without danger to his soul. But in that treatise there is one exception to all this. No person is allowed to equivocate or mentally reserve, without danger, if he does so, of incurring mortal sin, when his doing so brings apparently his true faith towards God in doubt or dispute. For, though he may lawfully, on proper occasions, omit to avow his true faith, he must never, by what he says or swears, bring apparently his true faith into doubt or dispute with others. Now, this treatise being before the Government of James I., and in the hands of his Attorney General, and used at the trial of the Gunpowder Plot, we find in the same year, 1605, that in a statute enacted mainly with reference to the same plot, these words, 'On the true faith of a Christian,' are for the first time added to the oath of obedience then framed, and for the obvious purpose, as I think, of preventing effectually all such equivocation. I do not, therefore, call this properly an oath intended as a test of Christianity, which it was not, nor as a mere test of obedience, but an oath intended as a test of obedience, and framed so as to be a test against all equivocation also."

If, then, this was a correct view of the intention of the Legislature in adding these words to the oath of abjuration, was it fair to advocate their retention for the purpose of using them as a religious test? If it was intended to exclude Jews, or any other persons from that House, from public employment, or from the enjoyment of civil rights, that object should be effected by statutory enactment; for no British subject ought to be deprived of civil rights without the consent of the Crown, the House of Lords, and the House of Commons. The consent of the three branches of the Legislature had not been given to the use of this oath as a religious test, and it was, therefore, most unjust to apply it in a manner which deprived a portion of Her Majesty's subjects of those civil rights to which they were equally entitled with the rest of their fellow-citizens. Mr. Baron Alderson, in the course of his judgment, expressed his serious regret that he was obliged, as a mere expounder of the law, to come to the conclusion that the words must be retained as an essential part of the oath. The learned Baron said he did not believe that the case of the Jews was at all thought of by the Legislature when they framed this oath, and that he thought it would be more worthy of this country—if the Jews were to be excluded from any privilege, as to which he would say nothing—so to exclude them by some direct enactment, and not by the casual operation of a clause which was apparently intended to apply to a very different class of persons. It was a singular circumstance that the words "on the true faith of a Christian," which were originally intended to apply to the Roman Catholic subjects of the British Crown, did not at present apply to those persons, for they were omitted from the oath now taken by members of the Roman Catholic Church. He could not forget that he had seen gentlemen who had been chosen to represent free constituencies in Parliament, and who were legally qualified to sit in that House, excluded from the privilege, because they could not, without a violation of conscience, take the oath of abjuration. This fact of itself seemed to him a strong reason for abolishing that oath, but as he had shown, besides that the oath was unnecessary and obsolete, he thought it was perfectly monstrous to use it as an indirect means of depriving individuals of those rights to which they were fairly entitled. He might remind the House that, in consequence of the existence of this oath, the City of London had, for about nine years, been unrepresented in that House to the full extent to which it was entitled to be represented. He must say, however, that in proposing the present Bill, he did not appear as the advocate of Baron Rothschild, or of any other individual. He had never had any communication with Baron Rothschild, on the subject of the measure, and he brought forward the Bill because, as an Englishman and a Member of the British Parliament, he felt interested in the maintenance of a principle which in itself was of the highest value, without any reference to the personal claims of Baron Rothschild. He conceived that the principle of religious equality—the principle that men should not be excluded from civil office and employment on account of their religious opinions—was one which was well worth maintaining for its own sake, independently of any peculiar injustice which its violation might inflict upon Baron Rothschild or upon the constituency of the City of London. As a Christian man he also deemed it most objectionable that he should be required solemnly and by an appeal to the Deity to abjure persons who had no existence, and to take a political oath which was altogether unsuited to the present time. He claimed relief for himself from this obnoxious necessity, and, at the same time, he would be no party to allowing the fag end of the oath of abjuration to be used for a purpose for which it was never intended, namely, as a religious test to exclude his Jewish fellow-subjects from the enjoyment of their civil rights. He would not charge hon. Gentlemen opposite, who opposed this Bill, with bigotry or fanaticism, but he gave them credit for pursuing a course which they believed to be conducive to the interests of the country. He remembered that the right hon. Member for Buckinghamshire (Mr. Disraeli), in his *Memoirs of the late lamented Lord George Bentinck*, stated, that that noble Lord, when he voted for the removal of the Jewish disabilities, was actuated by as high and as noble a sense of public duty as ever guided the conduct of any public man. He (Mr. Gibson) was also quite ready to admit that hon. Gentlemen opposite were not actuated by any selfish or intentionally unjust motives in opposing this measure, but he thought they were mistaken in point of judgment. He hoped he would receive some little support from Gentlemen connected with the great Conservative party, because the most distinguished leaders of that party, at various periods of the history of this country, had, he believed, been advocates of the policy which he now urged the House to adopt. He doubted, whether if Lord Derby were now sitting in that House, he would go the length of opposing the second reading of this Bill. He believed, indeed, that there was a time when Lord Derby went further than this Bill proposed to do, and when he supported by his vote a measure the avowed object of which was to admit Jews to the possession of civil rights, and to allow them to sit in Parliament. He had also seen it stated that two Archbishops and nine Bishops had voted for the abolition of the obnoxious religious test which was contained in the oath of abjuration. When, therefore, he found that the Conservative party had been divided in opinion on this subject, and when he found distinguished Members of that party whose desire to support existing institutions in Church and State could not be questioned, had deliberately given their votes in favour of a measure similar in character to that which he now proposed, he thought he might venture to hope that the second reading of his Bill would receive some considerable support on the opposite side of the House. He must also remind the House that, in the minds of many persons there was a strong religious sentiment on the subject of taking useless oaths. He believed there were many Christians in that House who entertained serious objections to repeated solemn appeals to the Deity when such appeals were unnecessary. He claimed for his Bill the support of hon. Gentlemen who entertained these views, and he might be allowed to remind them of the opinion expressed by Jeremy Taylor with respect to unnecessary oaths. That eminent divine, observing that—

> "The reason of this advice relies upon the strictness of the precept against promissory oaths and the reverence we owe to the name of God"—

declared his opinion—

> "That princes, and such as have the power of decreeing the injunction of promissory oaths, be very curious and reserved, not lightly enjoining such promises neither in respect of the matter trivial, nor yet frequently, nor without great reason enforcing. And because Christians are otherwise very much obliged to do all which is their duty, in matters both civil and religious, of obedience and piety, therefore it must be an instant necessity, and a great cause to superinduce such a confirmation as derives from the so sacredly invocating the name of God."

Dr. Taylor also stated that political oaths might be imposed "in a troubled State or to a mutinous people," but that when this exceptional state of things ceased to exist, such oaths ought to be dispensed with. It certainly could not be held that this country presented the spectacle of a "troubled State" or of a "mutinous people;" there was not the slightest disaffection towards the Crown or the reigning family; and the "instant necessity" and "great cause" referred to by Dr. Jeremy Taylor could not be urged as any justification for now requiring these frequent and solemn appeals to the Deity. He hoped, therefore, that those hon. Gentlemen who concurred in this view of the question would assist him in relieving Her Majesty's subjects from the necessity of taking what he regarded as an obsolete and unnecessary oath, and from an obnoxious religious test. He must strongly protest against the retention of the concluding portion of the oath for the purpose of using it against their Jewish fellow-subjects; for it was in direct opposition to the principles of the constitution to subject individuals to such disabilities as this oath imposed without the direct consent of the three branches of the Legislature. Lord Lyndhurst had, in another place, laid down this principle in clear and emphatic language. The noble and learned Lord said—

> "No British subject, no natural born subject of the Queen, ought to be deprived of the rights enjoyed by his fellow-subjects unless he has committed some crime, or unless he is excluded by some Act of Parliament directed against him or the class to which he belongs. That is the true principle of the constitution; and, such being the case, these persons can only rightly be excluded by the concurrent voice of the two Houses of Parliament and with the assent of the Crown. If you exclude them by the casual operation of a clause, which was never directed against them or against the class to which they belong, you unjustly deprive them of their birthright."

He thought that their policy upon this subject should be direct and straightforward. The Crown and the majority of the two Houses of Parliament could, if they pleased, exclude the Jews by statute from the possession of civil privileges, and their power in that respect would not be in any measure lessened if the House assented to the second reading of this Bill. It had been said, that by this measure he was endeavouring to secure to Jews the possession of civil rights in a furtive and indirect manner, but he repudiated that accusation. The oath of abjuration was the only obstacle which now accidentally excluded Jews from the full enjoyment of their civil rights, of which they had not been deprived by law, and could any course be more direct or straightforward than a proposal to abolish that obstacle? He thought the charge of obtaining their object indirectly was rather applicable to those who desired to retain an unnecessary oath, not for its original object, but in order to exclude from civil rights a class of persons who had never been deprived of those rights by any direct enactment of the Legislature. The right hon. Gentleman concluded by moving that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR FREDERIC THESIGER moved as an Amendment that the Bill be read a second time that day six months. The right hon. Member for Manchester (Mr. M. Gibson) had, with a simplicity of tone and manner which were quite affecting, expressed a hope that the House would permit his Bill to be read a second time, but he (Sir F. Thesiger) was not aware that anything which had passed between the right hon. Gentleman and himself could have led him to entertain any sanguine expectation of such a result. He thought it would be quite inconsistent with his duty, and also of those who agreed with him in his view of this question, to allow the Bill to pass another stage. The right hon. Gentleman asked the House to consent to the second reading of a Bill founded upon a certain principle, and the question was, whether the House would sanction that principle by assenting to the second reading? The Bill consisted of an assertion and an inference. [MR. M. GIBSON: Read the enacting clause.] He considered that he was entitled to say that, looking to the Bill and not to any reservation in the mind of the right hon. Gentleman, that the Bill consisted of an assertion and an inference. The assertion was, that all the descendants of the Pretender had failed; the inference was, that the oath of abjuration ought to be abolished. The right hon. Gentleman assumed, without the slightest attempt at proof, the conditional proposition upon which the whole of his argument depended—namely, that if the descendants of the Pretender had failed, the oath of abjuration ought to be abrogated. The right hon. Gentleman had not attempted to prove that one part of his proposition necessarily followed upon the other, and although most hon. Members might agree to the first part, that the descendants of the Pretender had failed, they might be of opinion that that failure would be no reason at all for abrogating the oath of abjuration. The misapprehension which prevailed with regard to the oath of abjuration was most extraordinary. He had conversed with many intelligent persons who seemed to entertain an opinion that the oath of abjuration contained nothing more than a renunciation of the rights of the Pretender and his descendants, and they had been very much surprised to find that, in addition to that renunciation, this was the only oath which contained a formal and solemn recognition of the Protestant succession to the Crown, as established by the Act of Settlement. The right hon. Gentleman had certainly done his best to continue the cloud over this part of the question, for when he was explaining to the House the different parts of the oath, he stopped short when he came to the particular passage on which he (Sir F. Thesiger) meant to rely, namely—

> "Which succession, by an Act entitled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princes Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants."

The right hon. Gentleman might endeavour to connect the different oaths, and contend that one was involved in the other, but he (Sir F. Thesiger) defied him to show that any one of the oaths, except the oath of abjuration, contained such a recognition of the Protestant succession. The right hon. Gentleman had stated that the right hon. Member for the University of Cambridge (Mr. Walpole), and other Members of that and the other House of Parliament, had allowed that a portion of this oath had undoubtedly become obsolete, in consequence of the failure of the descendants of the Pretender, and he (Sir F. Thesiger) admitted that he entertained the same opinion and that he was most desirous of getting that portion of the oath repealed. He greatly regretted that when there was a failure of the descendants of the Pretender, the opportunity was not taken of abrogating that portion of the oath which then ceased to have any object to which it could relate. That, however, would not have answered the purpose of some hon. Gentlemen, for so long as that portion of the oath was retained it afforded a plausible argument to those who desired to get rid altogether of the oath of abjuration, which was objectionable in their view, because it was the only oath which bore upon it the express stamp of Christianity. The right hon. Member for Manchester probably expected, on this question, the support of three classes of persons—first, of those who objected altogether to promissory oaths, and who were ready to accept this Bill as what they considered a step in the right direction, and as a means to an end; secondly, of Roman Catholics, who were, of course, desirous of getting rid of an oath which contained a recognition of the Protestant succession; and, thirdly, of the advocates of what was called civil and religious liberty, who entertained the strongest objection to the oath of abjuration, because it was the only oath which prevented Jews from sitting in Parliament. He (Sir F. Thesiger) could not, of course, expect the slightest favour from the Roman Catholics, who would naturally and fairly give their support to any measure which might be in the slightest degree prejudicial to the Protestant succession. He might, however, venture to say to those hon. Gentlemen who were desirous of abolishing oaths altogether, that that was not the proposal of the right hon. Member for Manchester, for the right hon. Gentleman proposed to retain the oaths of allegiance and supremacy, and therefore he must take it for granted that, though the right hon. Gentleman thought that the oath of abjuration ought to be abolished, he wished to retain the oaths of supremacy and allegiance. He was not afraid to express his opinion as to the retention of the oath of abjuration. With regard to the other oaths, he was not there to say that they bound them to do something to which they were not originally engaged. He believed that those oaths were merely solemn declarations and recognitions of their allegiance and faith, and that they contained the constitutional creed which they were called upon to subscribe to before they entered upon the performance of their high and solemn duties. He should regret if the time should ever arrive when they were called upon to enter on the performance of their high duties without some such solemnity. It might be perfectly true that there was a want of impressiveness in the manner in which the ceremony was performed, but if the oaths were lightly regarded, the fault must rest with hon. Members themselves. The right hon. Member for Manchester had taken great pains to impress upon the House that he had no other object in view than to get rid of the obsolete portion of the oath of abjuration to which he had directed attention. The right hon. Gentleman had also informed them that he had had no communication with Baron Rothschild on the subject of his Bill. No one had accused him of having had such communication; but, after the statement the right hon. Gentleman had thought proper to make, he (Sir F. Thesiger) would ask him whether he had not been in close and earnest conference on the subject of the Bill with a gentleman of the Jewish persuasion, an honourable and distinguished man, who now held high office in the City of London, and whether it was with the view of getting rid of the obsolete part of the oath relating to the Pretender, or with the object of abolishing what the right hon. Gentleman had called the fag-end of the oath, the words, "On the true faith of a Christian," that those conferences had taken place? He (Sir F. Thesiger) had never accused the right hon. Member for Manchester of endeavouring to attain his object in an indirect manner. Indeed, he thought nothing could be more obvious and palpable than the intention of the right hon. Gentleman. If the right hon. Gentleman had merely intended to get rid of the obsolete part of the oath his course would have been a very simple one. He might have brought in a Bill for the amendment of the oath in that respect, and no doubt he would have been perfectly successful in attaining that object. The right hon. Gentleman was not like a rash and reckless surgeon, who, to remove an excrescence, would amputate a limb. The right hon. Gentleman would never have resorted to a course so absolute as the abolition of the Abjuration Oath unless his intention was to get rid, not merely of its objectionable parts, but also of that guarantee against the admission into that House of persons who were not Christians. The right hon. Gentleman avowed that that was his object, and to attain it he was adopting a course and putting into action a machinery that would affect other barriers of the constitution, and weaken the security of the Protestant succession to the Crown. Various attempts had been made at different times for the purpose of introducing Jews into Parliament, and the leader of all those movements was the noble Lord the Member for the City of London. Whether the noble Lord had dropped his mantle upon the shoulders of the right hon. Gentleman the Member for Manchester, or whether the right hon. Gentleman had stolen it while the noble Lord was asleep, it was impossible to say; but there could be no doubt that it was much more becoming to the noble Lord while he wore it, although it had become a little threadbare. The noble Lord (Lord J. Russell), when he proposed the introduction of the Jew, upon every occasion except one, proceeded in a straightforward and manly way to his object. He avowed his intention to admit the Jew; there was no question as to his aim and end, and his opponents knew what they had to contend against. In 1853 he introduced one of his Bills expressly for the admission of the Jew; but, so far from proposing to repeal the oath of abjuration, he retained it, and merely proposed to strike out the last words, "On the true faith of a Christian." Unhappily, in 1854 the noble Lord departed from the course he had previously pursued, and endeavoured to introduce a comprehensive oath, to be taken by every Member of the House of Commons. That oath, necessarily, inasmuch as Roman Catholics would be required to take it, infringed upon the supremacy of the Crown, and consequently the House rejected the Bill of the noble Lord, though by a very small majority. But in that oath, which was to be substituted for the oaths of allegiance, supremacy, and abjuration, and the oath passed by 10 *Geo.* IV., the noble Lord did not propose to abrogate that portion of the oath of abjuration which maintained the Protestant succession. The words of the oath were—

> "I, A B, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, Crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, heir heirs and successors, all treasons and traitorous conspiracies which may be formed against her, or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act entitled 'An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, prelate, person, State, or potentate hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. So help me God."

So that, in 1854, the oath, carefully and deliberately framed by the noble Lord, not only contained that portion of the oath of abjuration which related to the Protestant succession, but included, if possible, something more stringent and strong as a declaration with respect to the succession of the Crown. The right hon. Gentleman had referred to the authority of Lord Lyndhurst, representing that noble and learned person as expressing the opinion that the oath of abjuration was entirely unnecessary, because it was included in the oaths of allegiance and supremacy.

Mr. MILNER GIBSON said, he must beg to explain that what he said was, that Lord Lyndhurst had expressed his opinion that no oath was necessary in regard to the succession; but that, if it were made a material objection to the repeal of the oath of abjuration no declaration would exist with respect to the succession, provision might be made for that matter by adding certain words to the oath of allegiance or in such other way as the wisdom of Parliament might devise.

Sir FREDERIC THESIGER said, he was obliged, with the greatest deference to the right hon. Gentleman, to question the accuracy of his recollection, because he had before him the words which Lord Lyndhurst did use in 1853 upon this very point. The noble and learned Lord said—

> "There is an addition to that which I have stated, an extension, I may call it, of the oath of allegiance, and I refer to it in order to show how unnecessary it is, because I propose to strike out every part of the oath to which I have referred, except that which relates to the succession of the Crown as fixed by the Act of Settlement. This is sufficient to maintain the Protestant succession, and this I preserve because I conceive that no greater calamity could befall this country than that the Crown of this country should be placed upon the head of a Roman Catholic."—[3 *Hansard,* cxxvii. 843.]

It thus appeared that in 1853 both those great statesmen—the noble Lord the Member for the City of London and Lord Lyndhurst—proposed to retain, after deliberate consideration of the whole subject, that portion of the oath of abjuration which maintained the Protestant succession. As, then, the noble Lord opposite (Lord J. Russell) was a firm supporter of the Protestant succession, he was bound to oppose a measure which proposed to do what he himself, in 1853, thought was improper and fraught with danger to the succession of the Crown. Let it not be supposed that the danger was distant or chimerical, and that there was no necessity for exercising the greatest caution. He warned the House against tampering with an oath which had for its origin and object the recognition of the Protestant succession. Had no circumstances occurred of recent date to show the absolute necessity of caution being exercised? A remarkable circumstance had occurred so recently as since the accession of Her Gracious Majesty to the throne. In 1841, Archbishop Cullen, legate of the Pope in Ireland, published a selection of a portion of the Papal bulls for the immediate use of the Council of Propaganda, and his object was explained in a dedicatory letter to Cardinal Franzoni. He said that he published the selection in order that—

> "All things may be in readiness which may appertain to a right and expeditious management of affairs."

And at the close of the letter he said—

> "This edition has all those Apostolic letters which have been promulgated since the first edition to our times, and either the necessity and opportunity of consulting which may easily occur in the course of managing things by the Sacred Council."

In that publication two letters were introduced from the Pope Clement XIII. to the Pretender, the first written in the last year of the reign of George II. and the second in the first year of George III. The first—written in 1759—was addressed to—

> "Our most dear Son in Christ, James, the illustrious King of Great Britain."

And in it the Pope informed the Pretender—

> "That he had appointed Daniel Kerney to the See of Limerick on His Majesty's nomination; that, for reasons which his own prudence would suggest, he had not mentioned His Majesty's name in the letters of appointment, but that he addressed this letter to him as a pledge that this omission of his name in these letters should not injure or derogate from his right of nomination, which should remain uninjured."

The second letter—written in 1760—was in similar terms, and referred to the bishopric of Killala. It might be said that those letters were written by the Pope a great number of years ago, and that, therefore, no stress should be laid upon them, and no danger was to be apprehended from them. Let him, however, point out something very significant in the publication of Archbishop Cullen in 1841. Between the dates of the two letters there were sixty-six papal bulls, from which Archbishop Cullen had selected eight only for publication; and among those eight were two letters containing a denial of the title of the House of Hanover to the Crown. Moreover, the object stated by the archbishop himself for the publication was, that it might be ready for immediate reference and use, and that an opportunity for consulting it might always be at hand. The archbishop had thus brought down the date of the letters to a very recent period, and those hon. Gentlemen who had cheered the fact that the letters were written in 1759 and 1760 ought to explain, if they could, how they proposed—the oath of abjuration being swept away—to take security against the claims of Roman Catholics to the throne. The idea of danger to the Protestant succession was neither so distant nor so chimerical as had been supposed, and the House ought to recollect that the claim of Her Majesty to the throne rested upon the Protestant faith of Her ancestors, and not upon their hereditary rights, and that if the Act of Settlement were abolished to-morrow a foreign Roman Catholic prince—a descendant of Charles I.—would, in the opinion of the Roman Catholic authorities, be *de jure* King of these realms. It would, he asserted, be extremely unwise, by tampering with oaths of such importance, to stir those delicate constitutional questions. The right hon. Gentleman had disclaimed any intention of interfering with the Roman Catholic oath, which as the House was aware, was established after careful consideration as one of the securities that ought to be required from Roman Catholics at the passing of the Emancipation Act. Under it Roman Catholics were required to promise to

> "Maintain, support, and defend to the utmost of my power the succession of the Crown, which succession, by an Act entitled 'An Act for the further Limitation of the Crown, and better secur-

ing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm."

The right hon. Gentleman said that he did not mean to interfere with the Roman Catholic oath. But suppose that Protestants were to be exempted from taking an oath of that kind, with what reason could they require that the oath should be exacted from Roman Catholics? Was not the present Bill necessarily a preface to an alteration of the Roman Catholic oath—re-opening the whole question, and the form of oath so solemnly and formally settled at the time of the passing of the Roman Catholic Emancipation Act? I must observe that the question at issue involved rather more than what might have been supposed from the plausible statement of the right hon. Gentleman, who might well have led the House to believe that he proposed to deal with nothing except what had become entirely obsolete; for, while he put the unimportant part of the oath in italics, he spoke of the important passages, if I may say so, in a parenthesis, or omitted them altogether. He wished, therefore, to ask the House whether they were prepared, on the arguments which had been urged by the right hon. Gentleman, to express an opinion favourable to the Bill? whether they were prepared to give their sanction to a Bill the principle of which was to abolish the oath that furnished the only security they had for the Protestant succession to the Crown, and which Protestant succession was not so wholly free from danger as, but for the facts he had brought before the House, they might well have imagined? The right hon. Gentleman admitted that he had an ulterior object in view—to get rid of the objectionable words "on the true faith of a Christian;" and upon that branch of the subject there were those who felt most deeply, and who believed that here the right hon. Gentleman was making an attack upon the Christian character of the Legislature. Having so frequently addressed the House on this question, his views with respect to it were so well known that he would not be justified in going at present into the general question. He had fully—and he hoped conscientiously—considered the question. It was one upon which he felt deeply, and though ready to do justice to those who differed in opinion from him, he was bound to say that a consideration of the subject had confirmed the opinions which he had formerly expressed upon it. He felt called upon to say a few words with reference to one point in order to remove the impression which the observations of the right hon. Gentleman were calculated to make. It had been stated by the right hon. Gentleman, not for the first time, that it was only by mere accident—by the insertion, unintentionally with regard to the Jews, of certain words in an Act of Parliament—that the Jew had been excluded from a seat in the Legislature; and it had also been maintained that there was a period—namely, that which passed between 1 *Will. and Mary* and the 13 *Will.* III.—in which, there being no oath that contained the words "on the true faith of a Christian," the Jew might have been entitled to assert his right to sit in Parliament. Both those views, however, in his opinion were entirely erroneous. That the Jews at any period of the reign of William III., or even later, could claim a right to sit in the Legislature would be asserted only by those who were ignorant of all the circumstances connected with that extraordinary people. It was well known that the Jews were banished from England in the reign of Edward III., and did not return in any numbers until the reign of Charles II. In the third year of that reign, 1663, by the records of that people, it appeared that there were not more than twelve Jews in England. He remembered asserting that fact on a former occasion, when he was severely taken to task by the hon. Gentleman the Secretary to the Admiralty, who, with that courtesy which invariably characterised his remarks to opponents, accused him of very gross ignorance, and asked whether he was not aware that in the time of the Protectorate the Jews offered to purchase the cathedral of St. Paul for a synagogue—from which the hon. Gentleman drew the logical conclusion that, because they sought St. Paul's as a synagogue, therefore the Jews were numerous enough to fill it. Whatever the hon. Gentleman might say of his ignorance, he had read in a curious work entitled *Anglia Judaica* an extraordinary incident in the history of the Jews. They were extremely anxious to be allowed to return to this country, and sent a learned doctor—Manasseh Ben Israel—to the Protector to request that he would permit the re-establishment of the Jews here, offering him the large sum of £500,000, provided that he would give them St. Paul's as a synagogue and the Bodleian Library for a school. At the time that Dr. Manasseh came to England upon this mission there were certain Jews in Asia who sent over a rabbi and several of their nation to inquire whether the Protector Cromwell was not the expected Messiah. The mission of Dr. Manasseh entirely failed, because it was not thought desirable that the Jews should assemble in St. Paul's; but the banished race flocked back in considerable numbers during the reign of Charles II., a period when the author of *Anglia Judaica* slyly observed they might be expected to bend their steps towards England. But when they returned here they were treated as aliens; the alien duty was imposed upon them; and, in the reign of James II., a portion of the duty having been taken off—namely, that which related to the export of commodities—upon a petition and remonstrance from the merchants to William III., in 1690, the whole of the duty was re-imposed. When, therefore, it was said that between the 1 *Will. and Mary* and the 13 *Will.* III. the Jew might have sat in the Legislature by reason of there being no words in the Act of Parliament such as "on the true faith of a Christian," he replied, first, that there was nothing in the estimation in which the Jews were held at that time which would induce one to suppose that they would have been allowed to enter the Legislature; and, secondly, that being aliens, under an Act passed at the period of the Revolution, they were prohibited by law from taking seats in Parliament. Here he might be permitted to quote some forcible expressions from an admirable charge of Archdeacon Hare, in which he said—

> "It happens continually that those very principles which are the most powerful, the most pervading, which permeate all our feelings and opinions, and are wound up with our whole being, do not receive a distinct enunciation; because, so long as we do not meet with anything to contradict or oppose them, we quietly take them for granted, and have no motive for uttering them in definite propositions. In the very act of enunciating a truth we transform it from a living power into an outward object of thought. We do not make laws against that which we do not conceive as a possibility."

But it was said that the words "upon the true faith of a Christian" were directed against equivocating Roman Catholics, being supposed to have an influence over their minds which they were afterwards not found to possess. He admitted that when the words were introduced in the 3rd of James I. the Jews were not in contemplation; but to say that it was by an accident that Jews were included seemed to him to be an unfair and unreasonable mode of viewing the question. It had been stated that when the oath of abjuration was established, the legislators of that day, finding the words "on the true faith of a Christian" in the oath of allegiance, transferred them to the new oath without any reference to persons who were not Christians, and that the words remained there, not as indicating the intention of the Legislature that our senators should be Christians, but simply because, from an accidental circumstance, they had been servilely copied from the oath of allegiance in the 3rd of James I. Now he certainly entertained a totally different opinion. He believed that those great men who framed the Act of Settlement, when they found it necessary to introduce a new oath applicable to existing circumstances, prepared it with the view, first, of having a clear acknowledgment of the undoubted right of succession to the Crown in certain named persons, being Protestants; and, secondly, of binding up with that a solemn profession of Christianity as the groundwork of the constitution. He believed that it was not through inadvertence but with a clear, deliberate intention and purpose that these words were introduced into the oath. Since that time to the present it had always been recognised as the wish and intention of the Legislature that the assembly which he now addressed should be Christian, and it was the opinion of many of them that the national religion depended upon their upholding the Christian character of the House of Commons. He knew that there were some Members who thought that Parliament had nothing to do with religion—a most remarkable opinion to be entertained. In the very weekly prayer which they uttered, he hoped, with a proper feeling in their minds, they prayed to God not only that peace and happiness, truth and justice, but that religion and piety might be established throughout all generations by their consultations; and if they had nothing to do with religion—nothing to do with promoting the piety of the nation—that prayer was a mere mockery.

But he would not argue with those gentlemen who thought that religion was beyond the province of Parliament. The question lay much deeper; it reached to the motives and principles upon which they should proceed in the legislation entrusted to them, and he agreed with the pithy and striking observation that the sphere of the Christian religion was everything and everywhere. Returning to the question immediately before them, he must say that he was particularly struck with a quotation made by the noble Lord the Member for the City for London in his admirable speech on introducing his Resolution on the subject of education a few weeks ago. The noble Lord, on that occasion, quoted a passage from the works of Dr. Arnold, which, although undoubtedly applicable to the subject then in hand, was not less so to the question now before the House. After speaking of Dr. Arnold as a person of the highest possible character — one of the most enlightened men that England ever produced, the noble Lord read the following passage from his works—

> "On the whole I am quite clear as to my original position—namely, that if you once get off from the purely neutral ground of physical science, geology, and pure logic—the moment, in short, on which you enter on any moral subject, whether moral philosophy or history, you must either be Christian or anti-Christian, for you touch upon the ground of Christianity, and you must either take it as your standard of moral judgment or you must renounce it, and either follow another standard or have no standard at all. In other words, the moment you touch on what alone is education—the forming of the moral principles and habits of man —neutrality is impossible. It would be very possible if Christianity consisted in a set of theoretical truths, as many seem to fancy; but it is not possible, inasmuch as it claims to be the paramount arbiter of all our moral judgments; and he who judges between good and evil, right and wrong, without reference to its authority, virtually denies it."

As a Legislature, they were called upon to form an opinion between right and wrong, good and evil; and how, with the passage from Dr. Arnold, which by quoting he had adopted and made his own, the noble Lord could maintain that any person was qualified to be a legislator in a Christian country who had not the Christian faith he was at a loss to understand. He would now address a single observation to those hon. Members who might be disposed to adopt the views of the right hon. Gentleman (Mr. M. Gibson) with respect to civil and religious liberty. He had not the least doubt that there were many most sincere and zealous persons who thought that they would be advancing the good cause by removing from the oath the words "on the true faith of a Christian," and permitting persons who were not Christians to enter that House. To those well-meaning men he would submit a few considerations in connection with the subject which, he must confess, weighed strongly upon his own mind. The Protestantism which the people of this country professed did not consist simply in being opposed to the doctrines which Roman Catholics maintained. We protested, it was true, against the errors of the Church of Rome; that was one of the distinguishing characteristics of our creed; and ingenious and subtle adversaries had relied upon that circumstance to persuade the unstable and the unwary that there was in Protestantism nothing positive, but that it consisted merely of negation, and was, therefore, founded upon unbelief. He was very much afraid that many persons had, by reasoning of that description, been drawn aside from our religion, and had gone over to the Roman Catholic faith. Well, if that were the case, let them for one moment consider whether, by removing the words "upon the true faith of a Christian" from the oath, as proposed, they would not be proceeding in a mode greatly calculated to operate prejudicially upon the faith of their weaker brethren; and whether they would not be placing a very powerful weapon in the hands of Roman Catholics? The members of that religion would at once say, "We were quite right in maintaining that Protestantism was not based upon any positive Christian principle. The justice of our view is now demonstrated. An oath bearing upon the face of it the stamp of Christianity, and making the profession of its doctrines necessary to the enjoyment of a seat in Parliament, has by the voice of the Legislature been deliberately removed, thus proving that in their minds the maintenance of the Christian faith is regarded as of no importance." He did not mean to say that those Gentlemen who desired to remove the words in question from the oath were not impressed with a due sense of religion. What he was contending for was the extreme danger of taking a step in the proposed direction, and he must, therefore, warn those zealous and sincere persons, who had a true regard for the Protestant faith, to weigh well their position before they consented to adopt a course which might strike a fatal blow at the interests of that religion. He was most anxious to know how Her Majesty's Ministers proposed to deal with the question? He could assure them that their views with reference to it were most anxiously awaited by the whole country. He would ask them, then, whether they have determined that an oath which recognises the Protestant succession to the Crown should be abandoned, and whether they, by abandoning it, are prepared to give way to the infidel and to the members of that persuasion who entertain sentiments prejudicial to the Protestant succession — namely, the Roman Catholic? He could not anticipate that the Government were so lost to all sense of the important duty which devolved upon them as to take that course. He could not imagine that they would consent even to weaken the smallest security which at present exists in connection with this important subject. But whatever course the Government might adopt, he should feel quite satisfied that he had done his duty to his country and to his God, by opposing, as far as lay in his power, a measure which he conscientiously believed had a direct tendency to unprotestantise the constitution, and to unchristianise the Legislature.

Amendment proposed to leave out the word "now," and, at the end of the Question, to add the words, "upon this day six months."

The LORD ADVOCATE said, he had no intention in the few observations which he should make on the present occasion of going into any historical details of the question, but he should endeavour shortly to take up the point which had been spoken to by the hon. and learned Gentleman who had just sat down. The hon. and learned Gentleman seemed to rely upon assumptions of an entirely unwarrantable character. Though he took an entirely different view of the merits of this Bill from that entertained by the hon. and learned Gentleman, he was not in the least prepared to concede to him a monopoly of zeal either for the Protestant succession or for the Christianity of that House and the country. The real question which arose, however, involved neither of those propositions. The arguments of the hon. and learned Gentleman were—1st, That if they abrogated the oath of abjuration they necessarily weakened the security of the Protestant succession to the Crown, because part of that oath related to the Protestant succession; and, secondly, That if that oath were abrogated, inasmuch as the words "on the true faith of a Christian" excluded Jews from Parliament, they should be injuring and destroying the Christian character of that assembly. Now, he was of opinion that both those matters were entirely beside the real question. That question was this. Here was an oath which was framed for a particular object, namely, that of securing the succession to the Crown as fixed by the Act of Settlement, and of excluding others who might otherwise have pretended to it. That was the object for which the oath was intended, and nothing else. Was it necessary, therefore, now to keep up the same form of words in a state of circumstances wholly and utterly different from that with which it was intended those words were to cope? If the object for which the oath was designed had been fully and permanently accomplished, what was the use of using it now? No one who took the oath—scarcely one—who did not feel that it was a disgrace to the Statute Book—that it was disgraceful that so absurd and unmeaning a form of words should be taken in the solemn manner in which they were usually taken. The hon. and learned Gentleman told them, indeed, in the most mysterious and alarming manner, that though the Protestant succession had been fixed so long there were dangers abroad, of which he (the Lord Advocate) was sure no one had ever had the least suspicion till that day. They were told by the hon. and learned Gentleman the Member for Stamford that there was, somewhere or other, a pretender to the throne of England, who, if this oath were abolished, would be likely to turn up some day, and that, if he did, he would very probably meet with a great deal of support. He (the Lord Advocate) believed, on the contrary, that the Protestant succession never was so firm in this country as at the present moment—not merely because the race of James II. was extinct, but because that succession was founded in the affections and convictions of the people. He often heard people, like the hon. and learned Member, talk as if Protestantism were in great danger. He was not going into any polemical discussion, but, so far as he could judge from the prevalent feeling of the country, he was convinced that the Protestant faith never rested on so large an amount of opinion as at the present time; and that at no period would any attempt to injure the stable Protestant foundations of the country have been more strenuously resisted. But in this, as in other matters, he really set little store by oaths; for they were at best but very flimsy safeguards. The very men whom it was wished to exclude either crept through them or broke them; and the only effect of them generally was to exclude the conscientious and the upright. The hon. and learned Gentleman, however, made the singular assumption that, because it was now proposed to abolish the oath of abjuration, therefore there was not to be enacted any oath in regard to the Protestant succession. His right hon. Friend (Mr. M. Gibson) who had introduced the Bill had distinctly explained that if it were thought necessary to retain that part of the oath which related to the Protestant succession, he should be perfectly ready to do that which Lord Lyndhurst also had been perfectly ready to do—namely, to abolish the oath as it stood, and to add that part of it which related to the Protestant succession to one of the other oaths. There could be no difficulty about that, and in making a difficulty of it the hon. and learned Gentleman was only leading the House and the country away from the real question at issue. He thought, then, that the first part of the argument of the hon. and learned Gentleman was altogether beside the question. He would next inquire what was the value of the second part. The hon. and learned Gentleman said—"You must not abrogate the oath of abjuration, although what you abjure does not exist; you are to continue to swear at that table an oath which for the most part has no meaning at all—for this notable purpose, that at the end you may say that you abjure that which has no existence 'on the true faith of a Christian.'" He (the Lord Advocate) should be sorry indeed to think that the Christian character of the House and of the country depended upon what he really must term such a subterfuge as that. The hon. and learned Gentleman said that those words were introduced into the oath for the purpose of founding the Christian character of that House. He (the Lord Advocate) contended not only that such an assumption was not historically correct, but that any impartially minded man upon reading the oath must come to a directly contrary conclusion. The words had not been introduced to prevent any man who was not a Christian from taking the oath, but in order to give the strongest sanction at that time to the thing which people were abjuring. The hon. and learned Gentleman knew as well as anybody that the oath was framed to meet a state of facts entirely and essentially different from the present. There were, when the oath was instituted, persons who were ready to swear that the King was the King *de facto* although not *de jure*, and the oath was imposed in order to remove all equivocation in the matter, and to operate as a test whether persons were favourable or otherwise to the Act of Settlement. The words of the oath not only were not framed to exclude the Jews, but could by no possibility be twisted into such a construction. The history of England showed what state of affairs the oath was intended to deal with, and to endeavour to argue that the exclusion of the Jews had anything to do with its formation was disingenuous and untrue. Independently, however, of all questions of an historical character, he asked, was it benefitting the character of that House that they should do by a side wind that which, if it were to be done at all, should be done openly and directly? If they were not prepared to enact a law by which Jews should be excluded from that House, was it creditable to exclude them by retaining certain words at the fag end of an oath which had nothing whatever to do with the matter? That brought him to consider what the consequences would be, if by abrogating the oath Jews should be permitted to sit in Parliament. The hon. and learned Gentleman said that it was desirable to exclude Jews, because if they did not a great argument would be given to Roman Catholics, who would say, "Your Protestantism is merely negative and not positive, because you have struck out from your oath of abjuration the words 'on the true faith of a Christian.'" That argument, be it observed, was put into the mouths of the Roman Catholics, who were supposed to taunt us with the want of a positive religion because we did not retain those words in our oath; when in their own oath no such words occurred. Every one must feel, then, that observations of that nature did not touch the real merits of the question; but, if he were obliged to meet that part of the hon. and learned Gentleman's argument which related to the Protestant and Christian character of that House, he had no fear to meet him upon that ground. They must deal in realities and not in words. He was very far from saying that the Legislature had nothing to do with the religion of the people. He held a very different doctrine indeed; but did it follow from that that they were to exclude from sitting in that assembly those who belonged to our social community, who enjoyed the same rights, had the same interests, contributed to the same revenue as ourselves, and to whom we looked for the same civil service to the State? When they were dealing with a matter of civil Government they must consider whom they were to govern; because this was a Protestant country and a Protestant constitution, was it therefore to be said that no one but a Protestant was to take any share in the Government of the country? Why, they had denied that principle long ago. According to the hon. and learned Gentleman, it would have been the duty of the State, even if the number of Roman Catholics had exceeded that of Protestants, to exclude the Roman Catholics from all share in the Government, because it would have been an infringement of the principles of Protestantism to admit them to take part in the Legislative Assembly. With regard to Roman Catholics as to Jews and to all other persuasions, he (the Lord Advocate) contended that the Christian character of the State and of the Legislature depended upon the Christian character of those who sent them there, and whom they had to govern; and that it was impossible to say, while the character of the legislative assembly took its colour from the opinions of those who elected it, that any portion of the community was to be excluded from the enjoyment of civil rights. Under the existing state of things the law was most inconsistent, because, clearly, if Jews were to be excluded from that House they should also be excluded from every place of office, power, or emolument. On what principle could they give to Jews the right to vote for Members of Parliament, and yet refuse to them the right to sit in Parliament? The whole thing was utterly inconsistent. It appeared to him that the question lay in the smallest possible compass, and that it was of the simplest and most elementary nature. The moment that the Catholic Relief Bill passed the principle of excluding all persons but Protestants was abandoned, and from that time it became evident that it would be necessary speedily to sweep away all those barriers which were founded upon a difference of religious opinion—barriers which would never promote the cause of truth, but must only lead to heartburnings and jealousies without end.

MR. NAPIER said, that if they were to give their consent to the Bill under discussion they would be rendering the propriety of the Protestant succession as by law established, and the truth of the Christian faith, open questions in that House. Now one of the objects of the oath of abjuration was, he thought, to close these questions; and the fact that the Bill ran counter to that oath was, in his opinion a sufficient reason why they should refuse to read it a second time. The argument which the right hon. and learned Lord Advocate had used in stating that the oath was not necessary, inasmuch as at no period was the Protestant succession to the Throne more firmly established than at present, might with equal force be applied to the oaths of allegiance and supremacy; and he (Mr. Napier) must say that if the right of succession to the Throne were to be made an open question in that House endless controversy would be the result. He regarded these oaths as imperishable and conclusive records of those great fundamental principles which ought never to be called in question in that House. Roman Catholic Members were bound by oath to support that succession, and although they were not called upon to swear "upon the true faith of a Christian," still they must profess themselves as Roman Catholics, a fact which conclusively showed in all its broad comprehensiveness that they were admitted to take their seats as coming within the denomination of "Christians." He must deny that a just parallel could be drawn between what they might do as Members of that House and that which they might do as Members of the community at large. As Members of that House they came in contact with the community at every point; they were amenable for their acts to no power but to the Almighty, and they took their seats as Christians in a Christian country. His reply, therefore, to the question, where they were to draw the line between those who were and who were not entitled to admission to the Legislature, was that it should be drawn where the profession of Christianity ceased to exist. Roman Catholics and Dissenters came within the line; but beyond it he should hesitate to push the principle of toleration. The preamble of the Act of Settlement set forth that it had been introduced for the safety of the King's Government, the maintenance of the Church as by law established, and the preservation of the Protestant religion; so that every Member who took the oath prescribed by that Act was debarred from making the subject to which it related an open question. The fact was, that the principles which the oath contained were of a fundamental character, and could not, properly speaking, be made the subject of doubt or discussion at all. And the existence of those fundamental principles being admitted, what more suitable act, he would ask, could be performed than that each Member, when he came forward to take his seat in that House, should, in a solemn acknowledgment, embody his adherence to them. Now, he might observe that the noble Lord the Member for London (Lord J. Russell) seemed to have always taken a more straightforward course with reference to the question under discussion, so far as it related to the Jews, than had been taken in the case of the Bill now under their notice. He (Mr. Napier) was under the impression that the noble Lord had dealt with that subject in a very sincere and honest manner, and he might observe that in the Bill which the noble Lord had introduced with regard to it in the year 1849, he had proposed to retain those words in the oath of abjuration which had reference to the Act of Succession, as well as the words "upon the true faith of a Christian." Then came a clause in the Bill, having a form of words applicable to the Jews, and there the noble Lord had stopped, inasmuch as he had not made any provision for the admission to that House of atheists and unbelievers. According to the Bill of the right hon. Gentleman, however, every man whether Jew or atheist, might be admitted to a seat in the Legislature. The next Bill to which he should refer was that which in 1853 had been introduced by Lord Lyndhurst, and in that Bill the words relating to the succession to the Crown, as well as the words "upon the true faith of a Christian," had also been retained. Another Bill had subsequently been brought in by the noble Lord the Member for London, which had contained what had been designated as "the coalition oath," and in which, owing no doubt to the influence of some parties behind the scenes, the noble Lord had been induced to forego his former principles. He (Mr. Napier) might observe that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had, with reference to the Bill of 1849, expressed his satisfaction at the retention of the words "upon the true faith of a Christian." The right hon. Gentleman added that he thought the noble Lord had acted wisely in declining to reduce that high standard which they had fixed for themselves. But, however, in the Bill of 1854 the noble Lord had been induced to mix up the oath of supremacy and abjuration in such a way as to give rise to the appellation of the "coalition oath." Now he (Mr. Napier) must say that he thought many members of the Roman Catholic body were quite willing to maintain the oath of supremacy as it stood; but there was another party in this country who were anxious to diminish if not get rid altogether, of the supremacy of the Crown. And were we, he would ask, to do away with any safeguard which might exist against the encroachments of that party? The security of those fundamental principles to which he had adverted no doubt lay deeper than the taking of an oath, but in administering an oath with regard to them we were doing all in our power to enforce their observance. At the very time the noble Lord (Lord John Russell) brought in his second Bill, a book was published in which they were told that the oath of supremacy embodied the national sin of England, because it rested upon the State's interference with the Church. [An hon. Member: What book?] It was a book by Archdeacon Wilberforce. So that there was a party calling themselves Protestants who denied the supremacy of the Crown. He was perfectly willing to admit that oaths were not the only safeguard; but oaths had always been used, and properly used, as a security, and the argument which had been used, that they were no real security, because unconscientious persons would take them without thinking of their purport, applied with equal force to administering oaths to witnesses in a court of law; and it must be evident to all that no person who had taken an oath as a Christian could openly in that House advocate anything contrary to the principles of Christianity. He thought that the noble Lord the Member for London and the House would be of opinion that the question of a Protestant succession ought not to be left an open question, and he would warn the House that it was a most serious thing tampering with these oaths, and that it was a very different thing to enact that oaths which had not hitherto been required should be taken, and to remove those which had always been required. The object of the measure was to procure the admission of Jews to Parliament, and why was that subject not brought boldly forward, and the opinion of the House taken upon it? The question of the admission of Jews to Parliament was one which he had considered and reconsidered over and over again with the greatest pains and anxiety, and he was bound to say that he still maintained the same opinion which he had always expressed upon that subject, which was—that he did not think that it was consistent with the principles of the constitution to admit any one into Parliament who denied the truth of the Christian religion. He would suppose the case of a man—an honest Republican—elected by a constituency to sit in that House, who denied the title of the Sovereign of these realms. Now, would such a person be allowed to sit in that House? Certainly not; and if he denied the right of a man to sit in that House who did not admit the title of his earthly Sovereign, could he allow the right of one who denied the title of his Heavenly Sovereign? He was quite prepared to admit that the principle of religious liberty had been much developed by the admission of Dissenters and Roman Catholics into Parliament; but the admission into that House of a person who was not a Christian was not the proper mode of carrying out that principle, because, as had been explicitly laid down in the recent Bible-burning case at Kingstown, Christianity was a part and parcel of the law of the land, and, if it were not so, on what principle was an atheist excluded? The right hon. Gentleman who introduced the measure had argued on the presumption that under the constitution Jews had a right of admission to Parliament, and were only excluded by means of an oath which was never intended to apply to them at all, and he had quoted in support of that argument an opinion of Baron Alderson. Now, he would ask the House to listen to the opinion of Lord Wensleydale, an authority not inferior to the very eminent Judge, Mr. Baron Alderson. Lord Wensleydale said—

> "It is a fallacy to argue that, because the immediate object of the Legislature was to give a more binding effect to a Christian oath—not to exclude the Jews and others than Christians—therefore they meant all such to be admitted; and, consequently, that the terms of the oath ought to be modified so as to carry that object into effect, and to permit all not of the Christian faith to take the oath in a form binding on their consciences. The truth is, they never supposed that any but Christians would form a part of either House of Parliament. Both of these (*i. e.,* Mahometans and Pagans) are, in effect, precisely on the same footing in this respect as the Jews; and the argument applies equally to them all. In enacting a provision aimed at a particular class only of Christians, the Legislature have, in most positive terms, required an oath from every Member of the Legislature which none but a Christian can take; and this enactment must have the effect of closing both Houses of Parliament against every one but a Christian."

There was a broad distinction between civil and political rights, for, while it might be perfectly just to confer civil rights equally upon all classes of the community, political rights were founded upon political principles; and, as the fundamental principle of the constitution of this country was essentially Christian, it appeared to him to follow, as a matter of course, that no man should be admitted into the Legislature who did not acknowledge their common Christianity. He had heard with regret a statement made on a previous occasion that there was a class of Unitarians who were said not to be Christians; but he denied that such was the case, for the laws of the country looked upon all Protestant Dissenters as comprised in the term "members of a Christian faith," and they are supposed to acknowledge those great and broad principles which formed the outline of Christianity. The noble Lord the Member for London, in the able speech which he had made upon the subject of education, had gone upon the assumption that every Member of the Assembly which he was addressing held the broad principles of Christianity; and he had upon another occasion stated that he considered Christianity the best security for the permanent welfare of the country. What had fallen from his hon. and learned Friend (Sir F. Thesiger), with regard to the Roman Catholic oath, was well worthy the attention of that House; for that oath could not be left as it was if the abjuration oath for Protestants were removed; and he would warn the House that, if they attempted to deal with the Roman Catholic oath, questions would arise which would greatly agitate the country. He believed that his right hon. Friend the Member for the University of Cambridge (Mr. Walpole) had some intention of bringing in a measure embodying these oaths in a more suitable form, but retaining that fundamental principle by which that House was rendered a Christian Senate; and to that

Bill, if it were introduced, he would be prepared to give his hearty support; but he trusted that the House would not consent by such a subterfuge as the present measure to alter the Christian character of its constitution. He should give his vote against the second reading of the Bill.

Lord JOHN RUSSELL: Sir, I apprehend that there are two points with regard to this question on which the House is tolerably well agreed. One is, that it is no longer necessary to abjure any allegiance to the person falsely calling himself James the Third, or any of those who pretend to derive that title from him. Even Gentlemen on the other side of the House are willing, at last, to get rid of that part of the oath of abjuration. There is another question on which also there is not much difference of opinion, and that is with respect to that part of the oath of abjuration which concerns the maintenance of the Protestant succession to the Throne. My right hon. Friend who has introduced this Bill—and I am glad he has brought forward the subject—says that he himself would have no objection to the introduction of words taken from the oath of abjuration, maintaining our adherence to the Protestant succession. We have those words in the Roman Catholic oath. I think, also, that it is quite untrue to say that if that part of the oath were entirely abolished we should not have a security for the Protestant succession; because the Protestant succession depends upon a solemn Act of Parliament, and until that Act of Parliament is repealed that security remains the greatest and best security that we can have. Still, I agree—and I do not think that the majority of the House would differ from that opinion—that it would be right, in repealing the oath of abjuration, to insert the words either such as those of the oath of allegiance, or a separate declaration that any person admitted to this House, or to high office, will maintain the succession to the Crown as confined to Protestants being the heirs of the Electress Sophia. If no other Member proposed that, I should, in Committee, propose words similar to those which I proposed in the Bill of 1854, which contained words similar to those which are at present in the oath of allegiance, and similar to those contained in the Roman Catholic oath. Because, although it is only a slight additional security, I do think it is fit that Members admitted to the Legislature, or to any high office, should take that opportunity of declaring solemnly their adherence to that fundamental principle of our constitution, that the Sovereign of these realms should be a Protestant. There is, therefore, Sir, very little difficulty in this respect; and I think the right hon. and learned Gentleman who has just sat down need not entertain any of those alarms on the subject to which he has given utterance. This raising of Protestant alarms is quite beside the subject, and beside the purpose which the Bill has in view. I come, therefore, at once to the real question, whether or not Jews should be admitted to offices in the State and to seats in this House. The right hon. and learned Gentleman (Mr. Napier) seems to expect most portentous consequences from the admission of the Jews, because he says that hereafter Christianity must become an open question. He seems to think that we are something like the Jacobin Convention, and that it is not altogether impossible that some hon. Member may propose a resolution to the effect that the House of Commons shall acknowledge the existence of the Supreme Being. Now, I deny that the admission of Jews to Parliament will any more make Christianity an open question than it has been since this has been a Christian Legislature. All that this measure will do will be to allow persons of the Jewish faith to exercise political functions, notwithstanding their religious belief. My vote upon this question will be founded upon the principle which I have long maintained—that the exercise of political functions should not be made to depend upon religious faith. That it is not our business here to ascertain whether this or that religious faith is correct, but what are the political functions to be exercised. If that principle is a true one, we have to consider what are the exclusions—what are the exceptions that we ought to be made. The right hon. and learned Gentleman (Mr. Napier) says that he will stand upon the ground of the Christianity of this House, which will be endangered by the admission of Jews to Parliament; but he must be aware that there have been those among his predecessors, whose course he would have followed if they had been successful, who stood upon other ground—who stood upon the narrowest ground — in order to exclude from Parliament and from office those who differed with them in religious opinion. It was argued in favour of the Test and Corporation Acts, not so many years ago, and it was argued about a century ago most ably and accurately, by Dean Sherlock, that unless a man was prepared to support the Established Church, unless he was well disposed to that Church—that Church forming a part of the establishments of the State, forming, as it were, with the State, one whole—he was unfit to exercise the functions of a Member of Parliament, and unfit to hold office in the State. And although Sir Robert Walpole, by his ingenious device, which was useful at the time, of an Indemnity Act, got rid of the practical obligation, yet even to our own time that exclusion was maintained in theory, and the Test and Corporation Acts preserved the record of the principle then asserted. Still the Roman Catholics were excluded; and upon that question it was argued again, with very considerable plausibility, "The Roman Catholics are persons whose allegiance is not entire, who owe to a foreign Sovereign obedience upon certain points, which will prevent them being good and faithful Members of the Legislature, or fit to hold high political offices." That was maintained with great ability—maintained up to the year 1828 by Sir Robert Peel—maintained by Lord Eldon and many men of very great ability. That exclusion is done away with; and now the right hon. and learned Gentleman, having nothing left but this single restriction, this single exception, is forced, upon that, and upon that alone, to maintain that religious faith ought to be the ground of exclusion from political functions, and should be the bar to the exercise of legislative power. I certainly cannot agree to any such assertion. But I am glad to find—as indeed I have often found before—that although we differ upon other days, that although upon other occasions when we have disputed we have seen the jealousy of Protestants against Roman Catholics, the jealousy and alarm of Roman Catholics with respect to Protestants—animosity of the Church against Dissenters, and the hostility of Dissenters towards the Church—yet there is one day in the year when our common Christianity seems to be in reality a bond of union between us; when we acknowledge that all, however high they may be in Roman Catholic doctrines, or however widely, at the other end of the scale, their opinions may differ from those, yet that all are connected by one common bond; and I should be most happy to unite in such an expression of Christian love and charity, were it not that that argument is never used, that this uniformity is never brought into play, except when any attempt is made to procure the admission of Jews to Parliament. Having now stated the objections which had been entertained with regard to Protestant Dissenters and to Roman Catholics—objections which were opposed not only to the principles of religious liberty, but to every principle of justice and policy—I come to the consideration of what is the ground of exclusion with regard to the Jew? You say he differs still more widely from you in religious opinions. I will not discuss that difference in any way whatever; I maintain that it is quite beyond the question to say that Jews differ more from Protestants than either Roman Catholics or Dissenters. I hold that a man is to be allowed the right of private judgment. You are not here to decide whether the exercise of that right has led him to a correct judgment or not. All you have to ask is, whether the person admitted to Parliament will perform the duties of a good subject. The right hon. and learned gentleman says he cannot perceive the difference between a man who is a republican, and who says he will not take the oath of allegiance, and the Jew who says he cannot swear on the true faith of a Christian. It seems to me that there is all the difference in the world between them. The man who is a republican, and will not swear allegiance to the Crown, will not perform those common duties that a loyal subject of the Crown is required to perform. He may be found in a conspiracy to overthrow the Throne; and, at all events, you cannot depend upon his active obedience to the acknowleged Sovereign of these realms. But with regard to a person who holds different religious opinions from you, what right have you to say that he will endeavour to overthrow the monarchy, or any of the institutions of the country? With respect even to the Church—though I should hold it very wrong if we were required at this table to swear any allegiance or adherence to the Established Church—yet I believe that both Roman Catholics and Protestants Dissenters are more hostile to the Established Church than the Jew is. The Jew is a man who, provided he is allowed to maintain his own religion, and to follow that form of worship which his conscience tells him his duty to God requires, will not attempt to make proselytes, or array himself in hostility against any other form of religion. There is, therefore, no political ground for excluding the Jews from Parliament and from the offices of State. Then comes the doctrine which we have so often heard, and which appears to me to have so little foundation, namely, that you take away the Christian character of this House if you admit to it a single Jew. If that is the case, if a whole community loses its character by one Jew being placed in office, what are we to say to the present position of that City which I have the honour to represent—where we have not only a Jew holding office, but a Jew holding the highest municipal office? Has the City of London ceased to be a Christian City? Has the character of Christianity entirely departed from the City of London, and will it only resume that character on the next 9th of November? I really must say that these arguments, coming from learned Gentlemen as they do, coming from eloquent men as they are, yet appear to me to have something so unwise in them, so little consonant with the ordinary sense that such learned Gentlemen display, that I can but believe that it is nothing but the remains of an old prejudice which induces them to maintain so untenable a position. Then we come to the question of how, after all, all this difficulty has arisen. It appears, I think, by general consent, as is stated most clearly and ably by Baron Alderson, in his judgment, that the original object of this oath was not to exclude the Jews—but that the object was—there being notoriously a set of persons, distinguished unfortunately from the rest of the Roman Catholics by their want of good faith in their dealings with their fellow-subjects, who maintained that any equivocation or mental reservation was allowed when dealing with heretics, or persons of a different religion—persons whom I believe the great body of Roman Catholics despised, and whose doctrines they would have treated with as much contempt and withering scorn as Pascal has treated them with in those "Letters" which everybody has read; and it was for the purpose of distinguishing this loyal body of Roman Catholics from those who declared they had a right to equivocate in this manner, that in the oaths in the time of James I. were introduced the words, "on the true faith of a Christian"—thereby not distinguishing Christians from Jews, but making every sect of Christians declare their faith in the most solemn manner, in order to be assured that they would maintain that which they said. And what is it, according to the oath now before us, that they were to say? They were to say that they abjured the title of the House of Stuart to the Throne of these realms, and they that would maintain the right of the descendants of the Princess Sophia. That, and that only, was the purpose of the oath which they were to take. If the Jew is excluded, he is excluded not by a direct but by a collateral process—by an indirect mode, which was never dreamt of when the oath was framed. When the right hon. and learned Gentleman opposite asks my right hon. Friend the Member for Manchester (Mr. M. Gibson) to alter the form of the Bill and put it in another shape, merely making exception to the Jew, I should say, on the other hand, if you wish to maintain a Christian character for this House by statute and by oath—if you think there is such a validity in these oaths (I confess I do not think there is such great force in them myself)—do that which was done during the time of the Commonwealth of England. In that time, every Member who came to the assembly then in the place of the House of Commons declared his belief in the Scriptures, and gave his testimony in favour of Christianity in plain and direct terms. If you wish positively to exclude the Jew, why do you not introduce a Bill for that purpose. What right have you to accuse us of acting indirectly, so long as you do not do that? The right hon. and learned Gentleman asks why we do not simply propose to strike out of the oath the words "on the true faith of a Christian?" It is quite true that I did so on one occasion. I tried various modes to please the other House of Parliament, till at last I failed in pleasing this House, on the subject of the Jew. I found that, strike high or strike low, it was no way satisfactory to my opponents. If the right hon. and learned Gentleman wishes the Bill to be put in such a shape as to perserve the oaths of abjuration and supremacy, with the exception of the words that exclude the Jews, probably my right hon. Friend (Mr. M. Gibson) will accede to the suggestion. But if the Bill were put in that shape, what would the right hon. and learned Gentleman do? "Why, then," he says, "I will vote against you." I must say that that idea is not very intelligible. The right hon. and learned Gentleman makes no concealment of his purposes, and in whatever shape we attempt to put the Bill, it will not suite him. Of course, I am obliged to go back and support my right hon. Friend in the attempt he is making to take away this despicable remnant of persecution, this attempt to exclude from Parliament, men who, if they were 4,000,000 or even 1,000,000 instead of 40,000 or 50,000, would long ago have been relieved from their disabilities. It is nothing but their weakness, their want of numbers, that has prevented this being done long ago. I trust that the House will not be prevented from doing justice by such considerations as these, and that the principle of religious liberty will achieve another triumph in his case.

Mr. WALPOLE: Sir, the noble Lord the Member for the City of London, at the commencement of his speech, made some observations which, I think, ought to induce him rather to advocate the introduction of another Bill than to vote for the Bill now under consideration. The noble Lord said, and said truly, that there are two points on which the House is nearly agreed. The one is that the abjuration of the descendants of James II. is no longer necessary, since those descendants do not exist; and the second is, that it is seemly—to say the least of it—that some recognition should be made by this House of the Protestant character of the constitution, which recognition is at present contained in the oath which it is proposed to alter. When measures are brought forward in this House, they ought to be brought forward for purposes only for which they are professedly intended, and they should not contain provisions which may be fastened upon, and by plausible argument be made to effect other objects which were not originally contemplated, and upon which in fair reasoning we are prepared to meet you. The noble Lord says, in answer to my right hon. and learned friend (Mr. Napier),—"You propose to us to bring in a Bill which shall remedy the obsolete character of this oath, and to put a clause into the Bill which shall enable the Jews to enter Parliament. I thank you (says the noble Lord) for your advice, but I know full well that you are only telling us to do something which I know you will afterwards oppose." Now, what my hon. and learned Friend really said was this,—"Were such a Bill brought in, to those parts of it in which we agree with you we will assent, but upon those points on which you know we disagree with you we shall be prepared to meet you fairly in argument." It is, however, impossible to take that course with regard to the present measure. Upon that ground, therefore, if upon no other, I should object to the second reading of this Bill. It is a Bill ostensibly to abolish a form of words contained in an oath, and which words are antiquated and no longer applicable to the circumstances of the present times. This is as the Bill is represented by the right hon. Gentleman the Member for Manchester; but in reality and truth it is a Bill, according to the representation of the noble Lord, to do away with a solemn recognition, contained in the declaration made by every Member who took his seat in this House—first, of the Protestant character of the Government of this country; and, secondly, of the Christian character of the Legislature. It is these two declarations and solemn recognitions which we wish to maintain, and so long as we have health and strength to maintain them, I think we shall be able to do so. I have often considered with myself, when reflecting on that part of the question which relates to the Jews, how it happens that, although we are constantly arguing this matter, we have never yet met on common ground on which we could agree. All the arguments upon the subject have been exhausted. The noble Lord has referred to one or two arguments to day which, I think, have been answered before. When the right hon. Member for Manchester talks of the rights of the citizens of London, for instance, being taken away by not having in this House one of the Members whom they have elected, I think the answer to that is conclusive—namely, that although the constituency of London, like all other constituencies, have rights, they also have duties. And it is the duty of every constituency to elect a person to represent them in Parliament whom the law and constitution declared eligible, and if the citizens of London choose to elect a person who, according to the law and constitution of the country, is not eligible, the fault is with the citizens and not with the Legislature. The noble Lord has asked whether, in the year 1856, the City of London is a

Jewish or a Christian city, seeing that at this moment it has a Jew for its chief magistrate. The argument of the noble Lord is evidently intended to lead to this inference, that, since the law has enabled a Jew to hold the magisterial office, it ought also to admit the Jew to hold a seat in the Legislature. But there is, in my opinion, an answer to this argument also. A magistrate is bound to administer the law according to the enactments of the Legislature, but the Legislature itself may make laws, and may make laws contrary to the spirit of a Christian Parliament. The noble Lord says that, among the many conflicting sects of Christians, the only common ground on which they meet and display their benevolent and Christian character is when they gather together for the purpose of excluding Jews from Parliament. But the fallacy of the noble Lord is this, that he draws no distinction between the depriving a Jew of something which he already has and the admission of a Jew to something which he has never had. By the constitution, a Jew has never had a seat in the Legislature; and it is therefore a legitimate argument to say that, unless some strong ground can be shown for his admission, it is not unfair to exclude him and to allow him to remain where he was. I have often tried to explain to myself why we have never approached nearer to a decision of this question than we have done. I believe we are starting always from different points, and running always in a parallel course. On the one hand, you are arguing that there is a great principle of religious liberty which brings with it certain consequences. Now, with regard to the principle of religious liberty, to a certain extent I go with the noble Lord in the same direction. It unquestionably involves the fullest and freest exercise of everybody's religious convictions. But, when the noble Lord talks about religious liberty in connection with this particular question, he means in addition to that free and full exercise of one's religious convictions, that religious liberty brings with it a title to hold any office in the State, even though such office may be incongruously held by the parties whose right he pleads. If the noble Lord will attempt to give us a fair definition of religious liberty, I will undertake to say that he cannot logically bring the admission of the Jews into this House within such definition. But, consistently with the principle of religious liberty, we contend that there is a principle of religious truth which requires that a national Legislature should recognise a religious obligation: and we go on to say that in this nation, at least, that religious principle and obligation has been the principle of Christianity. And we cannot give up that principle, because we find laws established in order that your legislation may be conducted, your Church may be maintained and preserved, and your institutions may be modelled and upheld with reference to the great principles of religious truth. That being the reason why we have not met on common ground on this question, let us inquire further as to who is right in this matter. You seek to establish a right which has never hitherto been recognised. Your notions have never availed, whereas our notions have always been recognised from time immemorial to the present moment. Therefore, it is not a question of persecution and intolerance, but it is simply a question whether it is expedient, wise, and politic, to alter the constitution. The noble Lord said there was only one day in the year when they were charitable and benevolent to each other. I think the whole fallacy of the noble Lord's argument lies in this, that the exclusion is an innovation of the constitution. Now if there is one thing calculated more strongly than any other to confirm me in my present conviction, it is that which I derive from the invariable course pursued by those who advocate this measure. They have introduced four Bills. I will very briefly remind the House what they were. The first Bill was to assimilate the case of the Jew to that of the Roman Catholic. It proposed to give the Jew the same privileges as the Roman Catholic, but it denied him the same benefit with regard to the oath. It gave him certain privileges, but excluded him from holding certain offices. It gave him the right to be a Privy Councillor; but if the noble Lord is right in saying that political functions ought not to depend upon religious faith, why are Jews excluded from the offices of Lord Chancellor of England and of Ireland? The second Bill consisted of two short clauses, by which it was provided that a Jew should be allowed to take his seat in Parliament on taking the oath of abjuration, without the words, "upon the true faith of a Christian." But the noble Lord got into a scrape on that occasion, because he put the Jew in a better situation than the Roman Catholic, and the Roman Catholic naturally said he did not know why he should be in a worse position than the Jew. A third Bill was brought in, which, with one exception, was the best that had been proposed. It was a Bill to consolidate all the oaths taken by Protestants, leaving the oath to be taken by Roman Catholics as a separate enactment. The fourth Bill, called the "Coalition Bill," joined all the oaths together, but its provisions were such that neither the House nor the country would sanction them, and the Bill was rejected. So much for the attempts at legislation on this subject. The right hon. Gentleman the Member for Manchester says that the preamble of the existing Act shows that the oath of abjuration was devised to exclude the Pretender. He ought to have added, "and for other purposes." That oath was not merely for the purpose of abjuring the Pretender, but it was accompanied with a declaration of rights, in order to have it manifestly declared and solemnly announced as to what were the principles of the constitution. In that most venerable preamble of the Act of Settlement in which the oath of abjuration was introduced, it was stated that it was an Act upon which the continance of the monarchy of England, the preservation of the Protestant religion, the maintenance of the Church of England as by law established, and the security of the undoubted rights of the Legislature of England, depended. A solemn declaration in similar terms is required to be made by all who take the abjuration oath at the table of this House. I shall now end. If this had been a Bill merely to get rid of any obsolete or antiquated phrases in the oath, I would have supported it; nay, more, if it had been a Bill to give the oath more solemnity by making it more simple, I would have gladly given it my support. But that is not the object of the Bill. I find it to be a Bill for the abolition of this solemn declaration—a declaration which, I think, ought to be continued. I will grant to you that, after all, these declarations are but weak securities, taken by themselves; but I deny that they are weak securities when taken in connection with the law and in reference to the purposes for which they were framed. There may be persons whose consciences are of a more expansive kind than mine who, after taking the declaration, may break through the barrier it was intended to erect; but that is no reason why it should be abrogated. Whatever rules and securities may be prescribed there may be ill-disposed persons ready enough to break through them, but that is not a reason why they should be given up, particularly when those rules and declarations operate as a security with respect to a great majority of the people. You may as well say that all primitive laws are useless because they fail to eradicate every crime, and that all religious teaching is futile because it cannot exterminate every kind of vice, as maintain that a solemn declaration which the Legislature has prescribed is obsolete, because there are men who disregard its obligations. This House has solemn duties to discharge, and among them is that of securing to their legislation the distinctive character of Christianity. I, for one, therefore, cannot be a party to a measure which involves such consequences as I have feebly endeavoured to describe.

VISCOUNT PALMERSTON: I will not detain the House but for a few moments. I was simply going to say that I shall give my hearty concurrence to the second reading of this Bill, because I think it is high time to relieve everybody from taking an oath which I am sure no man can take without wishing that he should be saved from the necessity of making such a declaration. It is an oath which does not belong to the times in which we live, and from which I think it must be the great object of every one to be relieved. But, Sir, I rose principally with a view to make one or two remarks with regard to a point which has been stated as to that part of the declaration which applies to the Pretender and to the Protestant succession. In concurring with my right hon. Friend (Mr. M. Gibson) in wishing to get rid of the oath of abjuration as it now stands, I am quite ready to admit that it would be desirable in Committee, either by retaining a part of the present oath, or by adding something to another oath which is already adopted, still to require some declaration to be made with reference to the maintenance of the Protestant succession to the Throne of these Realms.

MR. DISRAELI: Sir, I wish briefly to state my reasons for the course I shall take on this occasion. Notwithstanding the observations of the noble Lord the Member for the City of London, I must say that I think the question which is really at issue has not been brought before the House in a form the most desirable for its proper solution. I regret that the question has not been presented to the consideration of the House in a manner that would have raised a simple issue, and which would have asked for the opinion of the House upon the single question whether legislative power should be entrusted to Her Majesty's subjects professing the Jewish religion. I lament that that question should have become involved with one which at all touches the Protestant sentiments or even Protestant prejudices of the people of England. When the noble Lord (Lord J. Russell), two years ago, introduced a measure, which then was unfortunate, I felt it my duty to vote for the first time against the measure, although I had before supported measures of an analogous kind; and I did so because I felt that the noble Lord had fatally shifted his ground, and that he would thereby raise up a host of prejudices against him, in addition to those against which he must have been prepared to contend. With regard, Sir, to the particular proposition before us, it is divested, no doubt, of many of the objections which could be fairly urged against the proposal of the noble Lord in 1854. The oath of abjuration in its present form is clearly indefensible. No one on either side has for a moment pretended that the oath, as it is now framed, is not open to very serious objections. Whether it has arisen from inadvertency by the Legislature, or from the great changes that have taken place in men's minds, or from the political circumstances we have had to encounter, I know not; but it cannot be denied that the terms of the oath are anomalous. In dealing with this question I, for one, should deeply regret, that in voting for the Motion of the right hon. Gentleman the Member for Manchester it should be supposed that I would vote for a Motion by which it was attempted, in an indirect manner, to get rid of those obstacles which are at present in the way of British Jews entering into Parliament, by simply removing from the oath the words "on the true faith of a Christian." The words "on the true faith of a Christian" are words which, in my opinion, ought to form part of the oath to be taken by the Members of this House who are Christians. Whether, if we were called upon to frame an oath *ab initio*, it should be framed according to its present form, so far as the retaining of those words is concerned, I will not stop to discuss. That is of secondary importance. But these words at present exist, and, if we now repudiate and reject them from the oath, it appears to me that we should be taking a course which, looking only to the policy of our conduct, and not regarding higher considerations, would be greatly detrimental, and fraught with consequences which all of us might deplore. I have another reason, I confess, for calling upon the House not to renounce that form of oath. I have never advocated the cause of the Jews in this House upon the principle of religious liberty, which the noble Lord (Lord J. Russell) most sincerely and consistently advocates, and which he has at all times made the basis of the policy which he has recommended to us. I have always felt that when you came to practice, and were determined to act upon that principle, you might find it a very difficult one to carry you through your case. I doubt that if the claim of the Jews for the removal of these restrictions is merely founded upon the abstract principle of religious liberty, grounds of opposition may not arise which have not yet been introduced into the controversy, and which it may be very difficult to impugn and defeat. I have always felt that the claim of the Jews to an entrance into Parliament, and to the full enjoyment of all the rights which this State can confer upon the subjects of Her Majesty, mainly, and in my opinion justly, rests upon the principle that this is a Christian State, and that we are a Christian community. I have more than once expressed my reasons for entertaining this opinion. It appears to me that the claim of the Jew to the respect of the Christian cannot be contested. If the religion of this country were not Christian, if this were not a Christian community, there might be plausible reasons urged against the admission of Jews as Members into this House. But, with all becoming respect, I may be allowed to say that this would not be a Christian State or a Christian community had it not been, under Divine inspiration, for the efforts and exertions of a Jew. I think that that fact constitutes a claim to the respect, the consideration, and the sympathy of this House. Under these circumstances, the course I shall venture to take will be this;—I shall vote for the second reading of this Bill, and for this reason, that when the Bill is in Committee I shall take the opportunity of proposing an oath in lieu of the oath of abjuration which the Bill contains, and in which I shall retain the words "on the true faith of a Christian;" and I shall subsequently take the liberty of proposing a clause which will meet the case of any Jew who may be elected a Member of this House, and which will prevent the necessity of his using those words, which he cannot conscientiously do. I thank the House for allowing me to make this statement. I could not go into the lobby without entering into this explanation, after having, on a previous occasion, voted against the Motion of the noble Lord. I regret the question has been brought before us in the form it has, but, after the most anxious reflection I can give the subject, I think the course which I have mentioned is the one most likely to conciliate all parties.

Mr. NEWDEGATE: Sir, I have taken the deepest interest in this question, and I do pray the House to let me state clearly the grounds upon which I shall give my vote against this Bill. I do so because it proposes to strike down the oath which is a recognition by the subjects of this realm of the social compact with which they are bound to the Sovereign. The Sovereign is bound by an oath to maintain the Protestant religion as the constitutional religion of the realm, and the subject is bound in return to maintain the present Royal family as a Protestant family upon the Throne. Sir, I will not vote for a Bill, which, by altering the terms of an oath, destroys that recognition of the compact—I will not vote for a Bill which proposes by one blow to lay prostrate the Christian character of the Imperial Parliament—and I ask the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) why, if he wishes to introduce a measure which would effect the object which he proposes to effect by the introduction of a clause in the present Bill when in Committee, he did not bring in a Bill himself which would effect his object, and also embody an oath which would retain the words "on the true faith of a Christian," and recognise the Protestant succession to the Throne of the British dominions? How can he ask us to vote against the very proposition which he declares he considers most essential to include in the oath? What is the sense of our first voting against the recognition of the Protestant succession to the Throne—against the words which would retain the Christian character of Parliament, as enunciated in the oath taken by every Member of that House, if we were to be asked in Committee to re-insert those very words? Why, the thing is an absurdity on the part of the right hon. Gentleman. I will not dally in such a manner and on such a question; and I tell the right hon. Gentleman that no man who does can expect to be understood. A great issue has been raised whether, in the oath of the representatives of the people in this country, the right of the Protestant succession shall be recognised; and we have another great issue raised as to whether Parliament is to retain the character of a Christian Legislature of a Christian country. I, for one, am not going to vote with the right hon. Gentleman, the Member for Buckinghamshire,—first, to strike down a formula which maintains those great principles, upon the vain hope that, perchance, in Committee we shall be able to re-insert them. As a consistant man, as one who for years has, to the best of his poor merits, defended the great principles which are now at stake—as a Protestant, as a Christian, and as a representative of Protestants and Christians, I refuse to vote with the right hon. Gentleman, the Member for Buckinghamshire, to strike down this oath, which recognises those principles in the constitution of this House.

Question put, "That the word 'now' stand part of the Question."

The House *divided.*

Sir Frederic Thesiger, one of the Tellers for the Noes, stated that Mr. Wykeham Martin, Member for Rochester, was with the Noes in the Left Lobby, but had refused to vote with them; whereupon Mr. Speaker desired the Tellers to bring Mr. Wykeham Martin to the Table. The hon. Member having come to the Table, was asked by Mr. Speaker, if he had heard the Question put, and on replying in the affirmative, was informed by him, that having gone forth into the Left Lobby his vote must be recorded with the Noes.

Whereupon the Tellers announced the Numbers, Ayes 230; Noes 195: Majority 35.

Main Question put, and *agreed to.*

Bill read 2°.

List of the AYES.

Acton, J.
Adair, R. A. S.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Ball, E.
Ball, J.
Baring, rt. hon. Sir F.T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bell, J.
Bellew, T. A.
Berkeley, hon. H. F.
Berkeley, G. C. L.

Bethell, Sir R.
Biggs, W.
Black, A.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowyer, G.
Brady, J.
Bramston, T. W.
Brand, hon. H.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Buckley, General
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Castlerosse, Visct.
Challis, Mr. Ald.
Chambers, M.
Cheetham, J.
Clay, Sir W.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Coote, Sir C. H.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Cubitt, Mr. Ald.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir R. H. F.
Denison, J. E.
De Vere, S. E.
Dillwyn, L. L.
Disrael, rt. hon. B.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M
Dunne, M.
Ellice, rt. hon. H. E.
Ellice, E.
Elliot, hon. J. E.
Evans, Sir De Lacy
Ewart, W.
Ewart, J. C.
Fenwick, H.
Fergus, J.
FitzGerald, Sir J.
FitzRoy, rt. hon. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gaskell, J. M.
Gifford, Earl of
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Gurney, J. H.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Harcourt, G. G.
Hastie, Alexander
Hastie, Archibald
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, G. F.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Higgins, Col. O.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kirk, W.
Labouchere, rt. hon. H.
Laffan, R. M.
Laing, S.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsey, W. S.
Locke, J.
Luce, T.
M'Cann, J.
MacGregor, James
Maguire, J. F.
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Monck, Visct.
Moncreiff, James
Monsell, rt. hon. W.
Morris, D.
Mostyn, hon. T. E. M. L.
Mulgrave, Earl of
Murrough, J. P.
Napier, Sir C.
North, F.
O'Brien, J.
Oliveira, B.
Palmer, Roundell
Palmer, Visct.
Paxton, Sir J.
Peacocke, G. M. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Phillimore, J. G.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Price, Sir R.
Price, W. P.
Raynham, Visct.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Richardson, J. J.
Ridley, G.
Roebuck, J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelburne, Earl of
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Thornely, T.
Thornhill, W. P.
Tite, W.
Uxbridge, Earl of
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Walter, J.
Warner, E.
Waterpark, Lord
Watson, W. H.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, M.
Williams, W.
Winnington, Sir T. E.
Wyvill, M.

TELLERS.
Gibson, T. M.
Shelley, Sir J.

List of the Noes.

Adderley, C. B.
Annesley, Earl of
Arbuthnott, hon. Gen.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Boldero, Col.
Bond, J. W. M'G.
Booth, Sir R. G.
Bramley-Moore, J.
Bruce, Maj. C.
Buck, Col.
Bunbury, W. B. M'C.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Cabbell, B. B.
Cairns, H. M'C.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christy, S.
Clinton, Lord C. P.
Clive, hon. R. W.
Cobbold, J. C.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Dalkeith, Earl of
Davies, J. L.
Deedes, W.
Dering, Sir E.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Estcourt, T. H. S.
Evelyn, W. J.
Farnham, E. B.
Farrar, J.
Fellowes, E.
Ferguson, J.
Fergusson, Sir J.
Filmer, Sir E.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gladstone, Capt.

Goddard, A. L.
Gooch, Sir E. S.
Graham, Lord M. W.
Greenall, G.
Greene, T.
Grogan, E.
Guinness, R. S.
Gwyn, H.
Haddo, Lord
Hale, R. B.
Halford, Sir H.
Hamilton, Lord C.
Hamilton,rt.hon.R.C.N.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hill, Lord A. E.
Holford, R. S.
Horsfall, T. B.
Hotham, Lord
Hughes, W. B.
Hume, W. F.
Irton, S.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Admiral
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knight, F. W.
Knightley, Rainald
Knox, Col.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Mackie, J.
MacGregor, J.
Maddock, Sir H.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Martin, P. W.
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Pakington,rt.hon. Sir J.
Palk, L.
Palmer, R.
Patten, Col. W.
Peel, Gen.
Pennant, hon. Col.
Pritchard, J.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Maj.
Smith, A.
Somerset, Col.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, H. G.
Tollemache, J.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Vyvyan, Sir R. R.
Vyse, Col.
Waddington, H. S.
Walcott, Admiral
Walpole, rt. hon. S. H.
Warren, S.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.
Wise, J. A.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Lieut. Col.
Wynn, Sir W. W.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Thesiger, Sir F.
Newdegate, C. C.

MEDICAL PROFESSION BILL.

Order for Committee read.

MR. COWPER said, that there had been a generally expressed wish that the measure should be referred to a Select Committee. There appeared to be much opposition to it in its details, but not on its principle. The interests of various parties were affected by it, and they were anxious that their opinions should be heard before the Bill passed. It seemed to him very desirable that the House should not waste its time by entering into a discussion of that nature in a Committee of the whole House, and as his hon. Friend who introduced the Bill was willing to refer it to a Select Committee, if it was afterwards taken up by the Government, he (Mr. Cowper) was prepared to take charge of it, and if the Committee adopted certain alterations which he should submit, he would undertake the responsibility of carrying it through the House after it emerged from the Select Committee.

Order *discharged.*

Motion made and Question proposed, "That the Bill be committed to a Select Committee."

MR. HEADLAM said, the subject had been considered again and again by Select Committees, and every possible information was already before the House. At the same time, as the Government would take charge of the Bill, he should not object to the Motion of the right hon. Gentleman the President of the Board of Health.

SIR JOHN PAKINGTON said, that the hon. and learned Gentleman who spoke last somewhat misunderstood the right hon. Member for Hertford. He (Sir J. Pakington) understood that right hon. Gentleman to say, not that the Committee would investigate the whole subject, but the details of the Bill. He was very glad that the Government had changed the intention they announced last week in reference to this measure, and had consented to take it into their own hands.

MR. T. DUNCOMBE said, he understood the right hon. Gentleman below him (Mr. Cowper) to imply that evidence might be taken before the Committee from the parties whose interests were affected by the Bill. [MR. COWPER: No, I did not mean that.] The right hon. Gentleman certainly intimated that there existed parties whose interests were affected, who wished to be heard, and it would be far better to hear their opinions before a Select Committee than if their opinions were quoted in the discussion in that House. If the Motion for the reference of the measure to a Select Committee were persisted in, he should certainly move that the Committee have power to send for persons and papers.

Mr. WHITESIDE said, he would beg to offer the suggestion, made to him by an eminent member of the medical profession, that a Commission should be appointed to inquire into the subject, upon the result of whose labours a measure might be introduced.

Mr. COWPER said, he did not mean that the Committee should hear evidence, but as the opinions of medical men on the Bill had been expressed in petitions, and in that House by their representatives, their views should be considered by the Committee.

Mr. HENLEY said, he could not consent to such an unsatisfactory proceeding. If the interest of particular persons was affected as alleged, they had a right to be heard, and to hear them only through the means of memorials and petitions was extremely unsatisfactory. The medical body was not quite the body to sit quiet under such a proceeding, and the effect would be that when the Bill came back to them the House would find itself in a worse position than it was at present. What he should suggest was, that evidence should be allowed to be given, not upon the whole subject, but upon those particular clauses of the measure by which private interests were affected. To take evidence in that restricted sense was a very common proceeding, and entirely avoided the opening of the whole question.

Sir GEORGE GREY said, that to grant a general power to the Committee to take evidence would endanger the reopening of the whole question, upon which an enormous mass of evidence had been already given. He thought that the best way would be to leave it in the hands of the Select Committee to come to the House when any point came under their consideration affecting private rights, and ask their permission to take evidence on that particular point in the restricted sense indicated by the right hon. Gentleman the Member for Oxfordshire.

Mr. NAPIER said, he quite agreed in the suggestion, for he considered that the principal difficulty lay in reconciling the University systems with those adopted by the different medical corporations. He thought the granting of a general power to take evidence would not be advisable.

Mr. BARROW said, he could not consent to the course proposed to be adopted. The main question was, whether the government of the medical profession should remain in the hands of the Executive Government of the country, as at present, or be vested in a council of the profession itself. That question, in his opinion, ought to be discussed in the House, and not by a Select Committee. The particular mode of election, whether a University should elect one member, or a particular college another member of a medical council, might very properly form the subject of consideration by a Select Committee, but the question of the government itself ought to be considered by the House. Of one thing he was satisfied, that unless the compulsory principle of the Bill were altered it would not become popular.

It being now a quarter to Six o'clock,

Mr. SPEAKER, in pursuance of the Standing Order to that effect, declared the debate adjourned.

The House adjourned at ten minutes to Six o'clock.

HOUSE OF LORDS,

Thursday, April 10, 1856.

Minute.] *Took the Oaths.*—The Lord Bishop of Limerick.

PRIVILEGES OF SCOTCH JUDGES.

Lord CAMPBELL said, he wished to call their Lordships' attention to a subject which, though it might seem to be one of mere form, was in truth a matter of some importance. The House was aware that a Committee of their Lordships were then sitting to consider the question of the appellate jurisdiction of that House, and that Committee having summoned two Scotch Judges, the Lord Justice General and the Lord Justice Clerk to give evidence before them, the question had arisen whether those learned persons should be sworn at the bar, or sitting on the woolsack in this House. For his (Lord Campbell's) part, he could see no reason why they should not sit on the woolsack, and have the oath administered to them there; and he begged to move, therefore, that they be permitted to attend and take the oath at the woolsack accordingly.

Lord REDESDALE said, their Lordships must all desire to do honour to those Judges; but he apprehended they had no right to sit on the woolsack and take the oath, they not being summoned to attend Parliament in the same manner that the

English Judges were. Moreover, the Irish Judges were not sworn in the House.

THE LORD CHANCELLOR was understood to say that they might be admitted and take the oath standing at the woolsack.

THE EARL OF EGLINTON believed it was quite clear that on all occasions when Judges had been summoned to the House, they had invariably sat on the woolsack, and he could not see why the difficulty should have arisen on the present occasion.

LORD MONTEAGLE hoped that whatever rule might be adopted with regard to the Scotch Judges, the same would be applied to the Irish Judges.

Motion *agreed to.* Then the learned Judges were admitted to the House, and sworn at the woolsack.

ST. JAMES'S PARK.

THE MARQUESS OF CLANRICARDE, in moving that a message be sent to the House of Commons, requesting them to communicate to this House a copy of the Report of the Select Committee upon St. James's Park, and asking if Government had come to any decision upon the adoption of the recommendations contained in that Report? said, he had no serious objections to the first three of the four recommendations made by the Committee; but that to the fourth—the removal of the Duke of York's column, and the cutting a road from Waterloo Place into the Park—he entertained the gravest and most insuperable objections. In the first place, he found that only two persons had been examined before the Committee upon that question, one of these being Mr. Bowtell, a member of a firm of bootmakers, and no doubt a very respectable man; but the real witness was Mr. Pennethorne, the architect of the Board of Works, and it was upon his sole evidence that the Committee adopted the recommendation. Further, he found that so far from their recommendations being agreed to unanimously, not less than three out of seven divisions were carried by a majority of one, whilst in three instances the members divided equally, and the vote was agreed to solely by the casting vote of his right hon. Friend Sir Benjamin Hall, the chairman. Now, if this recommendation to remove the Duke of York's column, and cut a road from Waterloo Place into the Park was carried out, it could not be denied that the value of the houses in Carlton Terrace would be very much altered and affected. Let their Lordships remember that these houses were not built on speculation, but that the Crown and Parliament were under specific and positive engagements to the owners of these houses; that when Carlton House was taken away a plan was deliberately formed by the then Government, and approved of by Parliament, and that it was not in accordance with the fancies of any speculators, but upon the plan so sanctioned and directed by the Crown and Parliament, that the terrace was built at an extraordinary expense, the Crown at the same time entering into specific engagements to maintain the privacy which the houses at present enjoyed, and also to preserve the gardens in front of them. He granted that those engagements ought not to be allowed to stand in the way of any alteration which was likely to be beneficial to the public; but he thought it would have been no more than honest and right in a public department, when considering the alterations which the scheme involved, had it stated that those engagements did exist, and had laid the whole circumstances of the arrangement before the public. He deprecated also the light and trivial way in which the Committee had treated the question of the removal of the Duke of York's column. It was his fortune to have differed from the politics of the late Duke of York, but it was matter of history that his Royal Highness was not only eminent from his illustrious birth, but that he had peformed for a very long time great professional service to the Crown and country. For thirty-two years he was Commander in Chief, and during that period the improvement effected in the organisation of our army was alike remarkable and creditable to his administration. And when he died, the expression of regret was not confined to his friends, but all parties bore willing testimony to the honesty, impartiality, and assiduity with which he had performed the duties of his office. Now, every nation that pretended to the smallest degree of civilisation had respect for the monuments which were raised to the memory of its great men; and he (the Marquess of Clanricarde) contended that such monuments were not to be treated as an old jibbet or a lamp post; and this particular monument having been erected after an agreement between the Crown, the inhabitants of the neighbourhood, and the subscribers, must be regarded as a national monument. But no consideration of the sort seemed for one instant to have occurred to the mind or been offered to the attention of the Committee. Undoubtedly, he should be the first to assert that if it were absolutely necessary for the convenience of the inhabitants these considerations should not be allowed to prevent the removal of any monument; indeed, if it were essential for the health of the metropolis to run an aqueduct through the middle of St. Paul's, immediately under the dome, however much he might regret the necessity, he should believe for such an important purpose as that the dead must give way to the living. As a matter of taste, too, he condemned the removal of the York column and the statue. Would any man, who had money to lay out, set out with removing the few columns and statues erected in London? He did not mean to say that the statue was a perfect example of art, or that the pillar was one of the most perfect ever raised; but he did say that it was an ornament to the town where it now stood, and that the proposition for taking it away and constructing a sort of railway cutting between two high walls, from Waterloo Place into the Park, was, as a matter of taste, one of the most absurd that was ever propounded. Besides, in a pecuniary sense, the accommodation to be given was nothing in comparison with the amount of money required to be expended in the work. No man could walk from Charing Cross to this palace without discovering, if he had £20,000 or £30,000 to lay out in improving the appearance of the town and the public convenience, that he could lay it out for this object in a far better manner than by removing the York column and cutting a road into St. James's Park. Let them look at the disgraceful state of Downing Street, and the block of houses which stood between King Street and Parliament Street, obstructing the public thoroughfares. Yet a Committee of the House of Commons was prepared to come down and ask for £20,000 or £30,000 for the purpose of sweeping away one of the few ornaments the metropolis possessed, instead of applying the money to the more useful and ornamental work of improving the neighbourhood to which he alluded. He trusted the matter would be carefully and maturely considered by the Government before they arrived at a decision respecting it, and that the House of Lords would have a voice in it. Some of the suggestions of the Committee were good and might be carried out; but he hoped that such a ridiculous plan as this would not be adopted. The noble Marquess then moved—That a Message be sent to the House of Commons, requesting them to communicate to this House the Report of the Select Committee upon St. James's Park.

THE MARQUESS OF LANSDOWNE said, that there could be, of course, no objection to the Motion of the noble Marquess, who had no occasion to apologise for bringing this subject under their Lordships' consideration, as it was one of public interest to the population of this great metropolis. Subjects relating to the ornament of the metropolis and to the public convenience were by no means unimportant or undeserving not only of the attention, but of the very deliberate attention, of their Lordships and the country; and it was with a view to secure that deliberate attention that he felt satisfaction in assuring the noble Marquess that no decision whatever had been taken by the Government with respect to the extent to which the suggestions made by the Committee of the House of Commons were deserving of being carried into effect. Under these circumstances, he did not wish to go into any detailed consideration of the suggestions adverted to by the noble Marquess. Speaking as an individual, and not as a Member of the Government, he must say that, in regard to one of those suggestions, he agreed with the noble Marquess that a memorial erected some years ago to the memory of an illustrious individual whom they all respected, and which was then, together with its approach to the Park by a broad and handsome square, with a fine flight of steps, considered one of the greatest ornaments and most useful thoroughfares in the metropolis, should not be lightly disposed of or set aside, unless there was a certainty that a greater purpose of public utility and ornament would be effected; and he was one of those who very much doubted whether any ornament or purpose of public utility could be substituted equal to that which now existed. The subject would receive the mature consideration of Government, and when a determination was arrived at it would be formally communicated to Parliament.

THE EARL OF ABERDEEN said, that, as a Member of the Committee who had superintended the erection of the Duke of

York's column, he could not help protesting against the manner in which it was now proposed to be dealt with by the Report of the Committee of the House of Commons. He regarded that pillar and statue as one of the greatest ornaments of the metropolis, and certainly we did not possess such an abundance of those ornaments as to admit of our dealing with them lightly. Independently of the object for which this column was raised, he thought that when the whole British army and the public in general had contributed so liberally and with such cordiality to the erection of a monument of that sort, it became a matter for very serious consideration whether it ought to be removed from its place. The noble Marquess who commenced the discussion had hinted that he would not enter upon the merits of the column and statue as a work of art; but he (the Earl of Aberdeen) would observe that the pillar was precisely of the same dimensions as Trajan's column at Rome, which had always been considered a model of that description of art, whilst the statue surmounting it was executed by one of the first artists of this country, and deserved the admiration of all. The approach, taken altogether, was one of the handsomest street terminations and park-entrances in London. He had, therefore, heard with great satisfaction from his noble Friend (the Marquess of Lansdowne) that the Government had not undertaken to comply with the recommendation of the Committee of the House of Commons, but that the subject was still under consideration. And he trusted that the expression of opinion they had heard to-night, and which he was sure must be shared in not only by this House but by the public at large, would induce the Committee to reconsider their recommendation, and report in favour of preserving that which was clearly one of the most striking and beautiful objects in the metropolis.

THE EARL OF MALMESBURY was glad that this subject had been brought forward by the noble Marquess (the Marquess of Clanricarde), in favour of whose views a great majority of that House would no doubt be found. He concurred entirely in what had fallen from the noble Earl with respect to what might be called the sentimental view of the case; but he thought that their Lordships' attention should also be called, at the end of a costly war, to the question of economy in such matters. Casting his eye to certain proceedings in another place, he thought they were of a nature which must attract the attention of every one interested in the future welfare of the country, as they were indicative of a certain degree of recklessness as to the expenditure of the country at a moment when the outlay of every farthing on works not positively necessary ought to be considered with great care. The demand for this particular improvement, as it was called, began in rather a singular manner. The complaints in which the proposed changes originated were said to have been first made by the Belgravians; but he did not think that any meeting of great importance had taken place, or that any petition had been presented to Parliament upon the subject. There was, however, a great pressure from a quarter powerful at all times, especially at present—he alluded to *The Times*—which had very fairly and truly boasted of being the author of the improvements which were now contemplated. A number of letters appeared in that journal, written, if not by one of the greatest, certainly by one of the largest anonymous writers of the day, signed with different *aliases*, with the view probably of giving rise to the notion that repeated applications on the subject had been received from various quarters. He did not object to those letters which advocated a passage from the north-east part of the town for the relief of the Belgravians; but, although he did not think it would be inconvenient to Her Majesty to have a thoroughfare opened in front of the Palace, similar to that through the Place du Carrousel in front of the Tuileries, still, a thoroughfare having been opened by Marlborough-house, the Belgravians had, in his opinion, received all the relief they required, and they would in no way be benefited by the removal of the Duke of York's column. Those persons who came to Parliament by way of Regent-street would certainly have a cut across the park, but he did not think there would be 100 yards' difference between that passage and the present one by Charing-cross. The newspapers stated that the public required this alteration. Now, "public," like "aristocracy," was a word of which they required a definition; but if it meant those persons who were not accustomed to drive in carriages, he asserted that the public were to a man against the alteration. Their Lordships must have noticed numberless children of small tradesmen and persons of that class, swarming like ants over the parade opposite the Horse Guards, and none of the parents of those children wanted a thoroughfare between the Duke of York's column and Storey's-gate, for carriages to run over their children. He was, therefore, at a loss to know for whose convenience the alteration was to be made; and the £25,000 or £30,000 which it would cost would be much better laid out in the improvement of Downing Street or the National Gallery. He felt, however, much relieved from his apprehensions with respect to this matter by the speech of the noble Marquess.

The Duke of NEWCASTLE wished to draw particular attention to two plans which had recently been laid before the public. The one was for removing the block of buildings between Downing Street and Parliament Street, and erecting a new set of offices. He must say that if the project were carried out, it would not only be one of the greatest ornaments to the town, but would be attended with immense advantage to the public business of the country. It was absolutely necessary that something should be done; for the state of the public departments was most disgraceful. The other was the plan for the removal of the War Department from its present position. He hoped that time would be given for the consideration of the matter before it was resolved upon to erect new offices for the War Department in Pall Mall. He gave evidence before the Sebastopol Committee, in which he expressed it as his opinion that no alteration would be useful unless the whole of the military departments were placed under one roof. Whether that was to be the case with respect to the new offices to be erected in Pall Mall he did not know, but if so, his object would be gained. He considered it of the greatest importance that the War Departments should be in immediate neighbourhood of the other departments of the Government; but while they were removing the other departments nearer to the Houses of Parliament, they were removing the War Departments further off. The interval between Pall Mall and Downing Street would be very inconvenient, in confirmation of which he would appeal to the noble Lord the Secretary for War. It had been stated that the erection of the buildings in Pall Mall would be open to general competition, while the much larger and grander scheme in Downing Street would be entrusted to the ordinary architects of the Board of Works. Without wishing to detract from the ability of the persons employed by the Board of Works, he considered that this was a grand and national work, which it would be exceedingly improper to undertake without obtaining the very highest architectural talent.

Lord PANMURE said, that the additions to the Ordnance Office were intended to enable the Government to concentrate the whole of the civil departments of the War Office in Pall Mall, leaving the military departments at the Horse Guards. Hence, although the whole of the military departments would not be under the same roof, they would be sufficiently contiguous, as there was a short and easy communication across the Park. He could not agree with the noble Duke that, even in time of war, any inconvenience could result from the office of the Prime Minister being in Downing Street, and that of the War Minister in Pall Mall, for the distance between these two localities was, across the Park, very short. The great object of the Government in purchasing the new premises in Pall Mall was to concentrate the different branches of the War Department, and to remedy the existing inconvenience of having each branch obliged to send to a separate building for the purpose of communicating with another. It was considered more economical to add to the present buildings in Pall Mall than to give them up and erect an entirely new set of offices for all the branches in another place. However, it was quite competent to the Government to reconsider the matter; for, although the houses between the Ordnance Office and the Carlton Club had been secured, they had been purchased at such a price as to be easily resaleable at a profit. It was quite true that the Board of Works had invited competition for the plan. He was not aware that any particular plan had been determined upon; but he hoped that the work would be speedily commenced and executed.

Earl GREY wished to express his concurrence in the opinion given by the noble Duke relative to the inconvenience caused by the distance of the public offices from each other. He agreed with him, also, in thinking that it ought to be the policy of the Government to concentrate the public offices between the Horse Guards and the Houses of Parliament. There was space on that piece of ground to bring together all the Government departments by degrees, and he therefore thought that it would not be desirable to incur a large expense in adding to the War Office in Pall Mall. The ground in Pall Mall was far more valuable for private than public purposes, and it would be more economical as well as more convenient to bring all the Government offices together. He hoped that the scheme now in contemplation would be reconsidered, although the noble Lord at the head of the War Department was right in saying that there was a pressing necessity to bring the War Department together.

THE EARL OF **CARNARVON** said, that their Lordships could not but feel great satisfaction at the unanimity which had characterised the short discussion which had taken place. He was gratified to hear that the Members of the Government had not yet made up their minds about the proposed road through the Park, and he trusted they would reconsider the propositions of the Select Committee. The only scheme for a road across the Park that seemed likely to be satisfactory was that for a road from Pall Mall to Buckingham Palace. The road from Waterloo Place to Storey's Gate was liable to great objections, whether the column were allowed to stand or to be removed. It was also a question whether it was justifiable thus to remove public monuments which had been erected by public subscription with the consent of the law or of the Crown. The effect of a deep cutting would be most unsightly. It ought also to be considered that the road between the column and Storey's Gate would run parallel with the range of public offices and under the windows of gentlemen who were engaged for the greatest part of the year in the transaction of public business. They would thus be exposed to the roll of heavy and continuous traffic during the day, which in itself constituted a serious objection to the construction of a road at this point. He agreed very much with the noble Earl (the Earl of Malmesbury) that this question had not yet been very fairly argued. He believed that the question was really between those who were rich enough to afford cabs and those who were content to walk. He was glad the question was to be reconsidered, because the Government, in consulting the convenience of a single class, might be intrenching upon the enjoyments and recreation of the labouring classes of the community.

LORD **KINNAIRD** said, that Mr. Nash's original plan provided for the construction of iron gates at the steps of the Duke of York's column, but this was objected to by His Majesty. He thought the removal of the column to a spot a short distance from its present site would add to its effect.

THE MARQUESS OF **LANSDOWNE** was anxious, before the conversation terminated, to express his own opinion, and he believed the opinion of the Government also as to the immense advantage that would accrue to the public, setting aside the mere question of ornament, from the concentration of every official department in that space which commenced at the Horse Guards and ended at Palace Yard. He doubted whether in this or any other metropolis in the world there was a space so small as that circumscribed by the Park on one side, the Houses of Parliament and the river and bridges on the other, in which so much public advantage, public ornament, public convenience, and, ultimately, of public economy might be combined as in the skilful arrangement, by a judicious architect, of the public offices on this spot. The concentration of the Government offices in this space might be made to form one of the finest features and grandest approaches which this or any other metropolis could produce.

Motion *agreed to;* and a Message sent to the Commons accordingly.

CAVALRY AND ARTILLERY HORSES IN THE CRIMEA—QUESTION.

THE EARL OF **MALMESBURY** wished to put a question to Her Majesty's Government in reference to the return to this country of the cavalry and artillery horses from Turkey and the Crimea. A report was current which led him to ask the Secretary for War, whether it was intended that the men of these two services should return to this country during the present month, and that their horses should be sold either in the Crimea or in Turkey? If the report were true, he could not help observing that such an intention would be very derogatory to the military reputation of the country. They all knew what was meant by giving up a fortress with the honours of war. But if cavalry and artillery were in a fortress, and they were not allowed to leave it with their horses, they would feel as our army in the Crimea must feel, if they were not allowed to return in all the panoply of war. There were other considerations which rendered such an act very undesirable. There were some very valuable horses now in the Crimea, and some horses that the regiments of cavalry had brought from India; and if they were sold to the Russians, they would be represented to the people of that country as trophies won by the Russians from us. If they returned home without their horses, the cavalry and artillery would not be mounted properly within two years. They would have to be furnished with horses three or four years old, and at the end of the usual period it would be necessary to substitute a great proportion of young horses for them. He did not consider a cavalry soldier more than half a soldier when he was dismounted. If the cavalry were recalled from a distant colony and their horses were sold before embarking, no reflection could attach to them; but it was a very different thing when troops were returning from a field of battle. Of course, if the report were true, it must be a question of economy—it must be to save the cost of transporting these horses from the Crimea to this country. But, as far as his knowledge went of the price at which horses could be sold out there, and the price at which they could be bought here, he did not see how more than £80,000 or £100,000 would be saved, and he did not think it worth while, at the end of a great war like this, in which we had been almost completely successful, to run the risk of being jeered by foreign nations, and who were great military nations, and of being put to great inconvenience hereafter in our own service by such a proceeding as had been spoken of, and with regard to which he begged to ask the noble Lord at the head of the War Department whether it was contemplated or not?

Lord PANMURE was not aware of the report to which the noble Earl had alluded, with reference to the disposal of the cavalry and artillery horses in the Crimea, instead of bringing them back to this country. But he was somewhat surprised to hear the noble Earl, who had been talking of economy with reference to the question which had just been discussed, wholly ignore the consideration of economy in this matter. As this war had been conducted with an expenditure which the country never grudged while it was in progress, he thought it the duty of the Government, upon bringing the war to a termination, to study economy as far as was consistent with honour. There was no point upon which economy turned so much as upon the transport of the horses of the army. From calculations made, upon the supposition that no more transports would be required than were already in the Black Sea, he found that the expense of bringing the horses home would be £47 per horse. If, on the other hand, transports were sent from this country to bring home the horses of the cavalry and artillery, the expense would be £67 per horse. Taking into account the price at which horses could be purchased in this country, their Lordships would perceive that there would be considerable economy in making a judicious selection of the horses to be brought home. He quite agreed that care should be taken that we left the enemy's country with all the honours of war attendant upon our arms; but he could see no injury from parting with such horses as were found unnecessary to bring home, and he could see no difficulty in replacing those horses when the cavalry or artillery, to whichever force they belonged, arrived in this country. The system of mounting the cavalry had been changed. We no longer bought young horses. It was found to involve a false economy, because by the time a three-year old horse was trained and grown fit for service, it was more expensive than buying a five or six-year old horse at once. As far as he was informed, the difficulty of forming a cavalry regiment did not consist in the training of the horse, but in the training of the men. Horses of five years old were very speedily trained, and he was quite certain, within a year after the dismounted cavalry arrived in this country with the horses already retained, they would have as good a force as was now in the Crimea. Indeed, after the great loss of horses sustained in the winter of 1854 and the spring of 1855 old horses only were bought, and the cavalry were remounted in a superior manner. He could assure the House, and he could assure the public who were interested in this question, that, whatever arrangements were come to, all care should be taken not to part with valuable horses which would be of use when brought home, and that all care should be taken that in parting with any horses the honour of the army and of this country should be duly consulted.

The Earl of MALMESBURY understood the noble Lord to say, the Government did not intend to have a general sale of all the horses.

Lord PANMURE: Certainly, they did not intend to have a general sale.

OUDE TREATY.

The Marquess of CLANRICARDE, in rising to ask what course was pursued by the East India Company with reference to the treaty concluded by the Governor General with the King of Oude in 1837, said that in the late proclamation with reference to the kingdom of Oude, no reference was made to any treaty except a treaty of 1801, between the East India Company and the Government of Lucknow. Now there was a treaty in 1837—or rather a treaty had been drawn up—which most materially affected the present question. The object he had in making the inquiry was, to know whether the treaty of 1837 was or was not considered as valid. He held in his hand a full collection of treaties which he found in their Lordships' library, authorised, he supposed, by the Board of Control, and stated to be compiled from the records of the Foreign Office. It contained this treaty among others, which appeared never to have been treated as non-existent; and it appeared to have been signed by Lord Auckland and others. It was of the highest importance with reference to the question of the engagement which imposed upon the King of Oude the necessity of maintaining a military force. Were they to consider that the treaty of 1837 was or was not a valid and binding treaty, upon both parties, except so far as regarded a payment exacted from the King of Oude, which was remitted on consideration by the Government at home?

The Duke of ARGYLL said, it was perfectly true that the treaty in question had been ratified by the Governor General of India, but not by the Home Government.

The Marquess of CLANRICARDE: As to the whole of it?

The Duke of ARGYLL: As to the whole of it. It was not ratified by the Home Government at all. In the year 1838 that document was, amongst other papers connected with the kingdom of Oude, moved for in the House of Commons. The answer to that Motion made by the then President of the Board of Control on the part of the Government was, no such treaty being considered as existing by the Government at home, its production must be refused, and that refusal was assented to by the House of Commons. He was quite sure that their Lordships would agree with him that it was premature to enter upon a discussion now, as the whole subject must soon be considered when all the papers relating to it were placed before the House. It was most inconvenient to have anticipatory discussions which would tend to prejudice their Lordships' minds. He trusted that they would soon have all the papers before them, and that they would soon have the presence of Lord Dalhousie in that House, who would of course take a leading part in the discussions upon this subject. With the expectation of the speedy arrival of Lord Dalhousie in this country he (the Duke of Argyll) was sure that their Lordships would disapprove of a debate upon this question at the present moment.

The Earl of ELLENBOROUGH said, that although the treaty referred to was not laid on the table, it appeared in the collection of papers before their Lordships, which had been laid on the table when the discussion upon the renewal of the East India charter took place. The Directors did not disallow the whole of that treaty of 1837, but only that portion of it which related to the payment to the King of Oude of £160,000 for a military establishment of British officers. In addition to this stipulation the treaty contained another in its seventh article, which modified the sixth article of the treaty of 1801, the sixth article being the one on which the Governor General relied for the justification of the step he had taken in the annexation of Oude. By the seventh article of the treaty of 1837 it was stated that there was no remedy provided in the sixth article of the treaty of 1801, and it therefore proceeded to modify that article, and to provide that if the King of Oude did not succeed in securing order amongst his subjects the Governor General might send an English officer into the country for the purpose of administering the Government; and in that case there should be handed over to the King of Oude the surplus revenue, after the payment of the ordinary expenditure. Now, the Directors disallowed the stipulation as to the military establishment; but the other stipulation would not be affected by the refusal of the Company to ratify the other. It appeared to him therefore, that the treaty of 1837 was good to the extent of modifying the treaty of 1801; being, indeed, the very point on which the Governor General relied for his justification.

The Duke of ARGYLL said, he had omitted to state that the collection of papers was compiled in India, and was sent over here, when it was laid upon the table of the House of Commons, and that it was by error that the treaty of 1837 had been included in it.

The Earl of ELLENBOROUGH said, there had been no act of hostility committed by the King of Oude; on the contrary, he had afforded assistance upon every occasion it was required. We were at present indebted to the King of Oude's Government to the extent of £2,500,000, being the amount of a loan granted us when we were in difficulties. The papers should be at once laid upon the table, in order that their Lordships might understand the grounds upon which the recent steps had been taken.

Lord BROUGHTON said, that his notion of the matter was quite in accordance with that stated by the noble Marquess and the noble Earl opposite, that it was only the money part of the treaty, that which referred to the payment of the British troops, which was disallowed at home. He (Lord Broughton) had had a long correspondence with Lord Auckland upon the subject both public and private, and it was his impression certainly that the treaty of 1837 was ratified by the Government at home after the disallowance he had referred to. The whole of the treaty was not disallowed, but only one portion of it. The present Governor General would be home shortly, when the subject could be more satisfactorily entered upon. When the discussion did come on, he hoped that the present Commander in Chief also would find it convenient to attend, because it so happened that while Lord Hardinge was Governor General of India he had an interview with the King of Oude at Lucknow and threatened him with the consequences of his continued misgovernment.

The Earl of ELLENBOROUGH said, it was quite evident that the public part of the correspondence between the Court of Directors under the direction of the noble Lord (Lord Broughton) and Lord Auckland, must be produced, and also not only the speech of Lord Hardinge, but the official record, which must exist, of what that noble Lord had said upon the occasion referred to. Those documents were of great importance. Lord Hardinge must have written a dispatch detailing what he had said to the King of Oude upon this subject.

The Duke of ARGYLL said, the papers relating to the affairs of Oude were being printed, and would be laid upon the table of the House immediately. He thought that the recollection of the noble Lord (Lord Broughton) must be at fault, because he found, in 1838, when those papers were moved for, that an answer had been given by the President of the Board of Control to this effect:—"There had been no treaty with the King of Oude which had been ratified by the East India Company, with the approbation of the Commissioners for the affairs of India."

The Marquess of CLANRICARDE said, he did not find that in the collection of treaties to which he had referred there was a statement of the ratification of any of the treaties included in it. That the collection had been sent home from India seemed to him to make it more certain that the treaty of 1837 was in existence.

The Earl of ELLENBOROUGH said, that perhaps the noble Duke (the Duke of Argyll) would be good enough to inquire whether any trace of the pecuniary transactions in which he (the Earl of Ellenborough) was engaged was to be found in the papers. He could not find any trace of them. At a time when he was under great difficulty of a pecuniary character, arising from the necessity of bringing back the army of Affghanistan, he asked the King of Oude, as well as other native princes, to accommodate him with a loan. He obtained from the King of Oude £100,000. He confessed he was rather disappointed at the amount he had received from the King of Oude at a time when he had obtained loans from the other sovereigns. In six weeks after the return of the army he had paid back the other loans; but left the loan of the King of Oude in the hands of other parties to deal with it.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 10, 1856.

Minutes.] New Member Sworn.—For Chippenham, Robert Parry Nisbet, esq.
Public Bills.—1° Poor Law (Ireland).
2° Joint Stock Banks.

TRADE REGULATIONS IN RUSSIA—QUESTION.

Mr. J. EWART said, he would beg to ask the noble Lord at the head of the Government, whether it might be practicable to endeavour to make arrangements with the Russian Government for the removal of vexatious restrictions imposed upon British traders in Russia; more particularly the regulations of the guilds as to the buying and reselling of imports and exports?

VISCOUNT **PALMERSTON**: I am fully aware, Sir, that the internal regulations of Russia affecting trade are exceedingly unfavourable to commercial transactions, and a grievance to foreigners; and, undoubtedly, Her Majesty's Ministers will be anxious to avail themselves of any proper opportunity to impress on the Russian Government the expediency, for the sake even of its own interests, of establishing a more liberal commercial system within its own dominions. But I am sure that the hon. Member and the House will feel that with the negotiation now proceeding on the subject of the general pacification of Europe this is hardly the most fitting moment for opening a discussion of that nature. The Russian Government would, in all probability, be indisposed to mix up matters relating to its own commercial policy with the question of peace; and, therefore, a more opportune occasion must be chosen for commencing the overtures to which the hon. Gentleman refers. I can assure the House, however, that the subject shall not escape the attention of Her Majesty's Government.

NATIONAL EDUCATION.

Order for Committee read.

LORD **JOHN RUSSELL** said, he regretted to learn that the hon. Member for the West Riding (Mr. Cobden), who had given notice of an Amendment condemning the application of local rates to the support of schools in which the various forms of doctrinal religion were taught, was unable to attend the House in consequence of a domestic affliction. He had intended, had the hon. Member been in his place, to ask him not to press his Amendment at the present stage, in order that the House might go into Committee on his (Lord J. Russell's) Resolutions, when every hon. Gentleman would have an opportunity of fully canvassing them in detail, as well as of considering the Amendment, which the right hon. Gentleman opposite (Mr. Henley) meant to propose. He was glad to find that a petition which the right hon. Gentleman had presented a few moments previously, although nominally adverse to his Resolutions, was in fact in their favour, because its prayer begged the House not to countenance any untried schemes while the present system worked beneficially and impartially towards all parties. As the existing plan, commended in these terms, was the one which his Resolutions sought to extend, he was justified in reckoning this petition among the rest on his own side of the question. He would now beg to move that Mr. Speaker leave the Chair.

MR. **HADFIELD** said, he wished to present a petition.

MR. **SPEAKER** said, after the Motion for his leaving the chair was made, it was too late to present a petition.

MR. **HADFIELD** said, he thought that he ought to be allowed to present a petition, as it was one of great importance.

LORD **JOHN RUSSELL** said, he was ready to withdraw his Motion, if it could be done, for the purpose of allowing the hon. Gentleman to present the petition.

Motion by leave *withdrawn.*

MR. **HADFIELD** said, he would now beg to lay on the table the petition of the Chairman and Secretary of a Committee of Friends of Voluntary Education in London, against the proposed measures.

Motion made, and Question "That Mr. Speaker do now leave the chair," put, and *agreed to.*

House in Committee, Mr. FITZROY in the chair.

LORD **JOHN RUSSELL** said, that as before the Easter recess he had explained at length the Resolutions which it was his intention to propose, it was unnecessary for him on that occasion to occupy the time of the Committee, and he therefore begged to move the first Resolution.

Motion made, and Question proposed—

> "That in the opinion of this Committee it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education."

MR. **HENLEY** said, he should now, in accordance with the notice he had given, move that the Chairman do now leave the chair. In doing so he had taken that course which he thought, according to the forms of the House, would be for the general convenience of hon. Members, and would be most courteous to the noble Lord. It was a disagreeable duty to discharge, but, thinking and feeling as he did on this highly important subject, he felt bound to make this Motion, because it appeared to him that the scheme of the noble Lord bore a close resemblance to that which was brought forward last year by his right hon. Friend (Sir J. Pakington), and, as he had opposed the proposition of his right hon. Friend, he did not see how he could avoid pursuing the same course now that a similar plan was submitted to the House.

It seemed to him that the scheme of the noble Lord not only included all the most objectionable features of the plan of his right hon. Friend, but contained some provisions which were still more objectionable, while it did not provide those safeguards and advantages which would have been secured by the scheme of the right hon. Baronet. In looking through the Resolutions of the noble Lord, he had to consider whether it would be most advisable to deal with those Resolutions in detail or as a whole. His first impression was, that the best course would be to deal with them in detail; but when he came to consider the first Resolution, he found that it would be impossible to do so, because that Resolution asked the House to pledge itself to the opinion that it was expedient to extend, revise, and consolidate the Minutes of the Privy Council. The question naturally arose, in what sense those Minutes were to be extended. If they were to be extended in the sense of the other Resolutions proposed by the noble Lord, it was next to impossible to pursue any other course than that of considering the Resolutions as a whole. If, however, the extension was not to have reference to the scheme of the noble Lord, he thought the proposition was too vague, and that the Committee could hardly request the Privy Council to extend their Minutes without indicating the direction in which such extension should be made. He had, therefore, come to the conclusion that the noble Lord's scheme ought to be considered as a whole; and, as he disapproved of that scheme, he had thought the most safe and courteous course was to submit to the Committee a Resolution which he was told was, in that stage of proceeding, equivalent to the previous question, rather than ask the Committee to give a direct negative to the noble Lord's propositions. It appeared to him that this scheme resolved itself into six heads or branches, relating, first, to inspection; secondly, to the formation of districts; thirdly, to the item of charities, and he could not conceive for what purpose the noble Lord had introduced that subject; fourthly, to rating; fifthly, to religious teaching; and, sixthly, to compel masters and employers of young children to pay for the education of such as were below a certain age. The first of these propositions was not open to serious objection but for its vagueness, and the last recommendation of the noble Lord for the establishment of evening schools was a proposal so evidently beneficial that it was almost like the colour of a grey horse, to which nobody would object. He proposed, then, to consider the noble Lord's scheme under the heads he had mentioned. The Committee were asked, in the first instance, without a tittle of information on the subject, to affirm a proposition that eighty school inspectors should be appointed. Why was the number fixed at eighty? Why should it not be sixty, or seventy, or even ninety? Now, that seemed to him a matter of pure detail, which ought not to be dealt with by that House, but which should be settled by a department of the Executive Government. He would ask the Committee, also, whether they would pledge themselves, as they were thus asked to do, to a system of general inspection of schools throughout the country? According to the terms of the Resolution, such inspection was not to be confined to public schools. Now, he maintained that it was wholly unfit the Committee should enter on those details and be called on to affirm them by a substantive Resolution. But, getting over that difficulty, was it right the Committee should be called upon to affirm a proposition on the subject of the educational wants of the country, and the means of providing for those wants. The Resolution was not confined to any class of schools; it applied to all schools, as the noble Lord's scheme dealt with the whole mass of the population. If the Committee affirmed the Resolution, the inspectors might knock at the door of every ladies' school in London or in the country, and ask, under its authority, what sort of education was carried on in that establishment. He, for one, at all events, did not think it desirable that any such general power should be given by Resolutions of that House. But that was not all. Out of the 30,000 or 40,000 day schools in this country, he did not believe the Privy Council had a right to go into more than some 4,000 or 5,000 at the most. A very large number of the others would shut their doors in the faces of the Government Inspectors; and he could not conceive anything more unwise than for that House by Resolutions to express any opinion which it had not the power to carry out. To go into private day schools, to which the Government did not contribute one farthing of the public money, would be to place the managers in the invidious position of refusing to admit the officers of the Privy Council, or of conceding the very dangerous principle, that private property was to be inspected without its consent. But were there no other objections to this scheme? Were they sure that to attempt to force such an inspection as that upon the people would not create a strong feeling of hostility against all their educational measures? The people of England might be led, but they would not be driven; and it was not at all clear that to send eighty persons of a calibre inferior, as the noble Lord had said, to the present Inspectors, and not, therefore, likely to possess that tact and delicacy which such an operation would require, to visit all the schools throughout the country, would not excite a storm of opposition to this particular measure and react against the extension of education itself. But if the object was only to obtain information, did the House not think that it would effect its purpose more easily and completely by means of voluntary returns from the parties themselves? He did not believe that the managers of schools would hesitate to return parochially the number of children attending their schools, what they professed to teach, and any other information that might be required. Such a return, moreover, would be obtained in less time from the parties themselves than by means of Inspectors, and it would be much more extensive, because, as no one knew better than the noble Lord, there was no inconsiderable section of schools that would not have Government Inspectors at any price or upon any conditions. So much for the question of inspection. He now came to that part of the scheme which, after inspection, gave power to the Privy Council at their will and discretion, without any communication with local parties, to form districts for education. Now what, he must ask, would be the inevitable result of that portion of the scheme? It must necessarily in all small parishes break up the parochial system, for it was as clear as the sun at noonday, that if the Privy Council formed a district of four or five small parishes, it would completely sever the clergymen of those parishes from the school. They could not have four clergymen, perhaps with different views on education, combining in a district Committee for the management of a school. He thought the House would agree with him that the religious element should be well cared for and preserved in the national schools. Upon that point the noble Lord, in his speech a few weeks ago, went much further than he had ever gone before. Mr. Kennedy, one of the school Inspectors, stated in one of his recent Reports, that clergymen were so much occupied with the ordinary duties of their parishes, that we must look very much to schoolmasters and schoolmistresses as the religious teachers of the youthful poor. If that be so at present, would not a clergyman find it more difficult to attend to the matter of education if the school were taken out of his parish; and if he were severed from the school, would not the consequences be very mischievous to the population? Passing, now, to another branch of the subject, the noble Lord stated in his sixth Resolution—

> "That, for the purpose of extending such means, it is expedient that the powers at present possessed by the Commissioners of Charitable Trusts be enlarged, and that the funds now useless or injurious to the community be applied to the education of the middle and poorer classes."

That was a most important Resolution, and ought to have been brought in as part of a separate scheme. The diversion of the charities of this country was a matter of such great moment, that if the noble Lord had thought fit to deal with it, he ought to have done so substantively, and should not have mixed it up with a subject difficult enough in itself, without such an element of discord being added to it. The Committee must recollect that the noble Lord was one of the Commissioners of charities; nor should it be forgotten that what was done by those Commissioners might come under the review of that House. Had this Resolution been introduced by any other person than the noble Lord, it was quite possible that the mover might have wished by such means to obtain the *quasi* sanction of Parliament to some most important measures now under discussion. Let the Committee observe the curious wording of the Resolution. The noble Lord proposed not only to deal with such funds as were "useless or injurious;" but, having diverted them from their original purpose, to apply them, not alone to the education of the poor, but to that of the middle classes also. Not content with giving a new direction to the charities, he extended them to a new class of recipients; in short, he took away the money that was given to the poor and applied it to the uses of the middle classes. There had always been a class of politicians who thought that the end justified the means, but hitherto no person had been disposed to rank the noble Lord among that class. The Committee, however, had now an opportunity of seeing what the views of the noble Lord were as to those funds which might be termed "useless or injurious," and the noble Lord could not deny that it was perfectly legitimate to inquire what his opinions were on such a subject. There were some persons who appeared at times to be gifted with a prophetic spirit, and such seemed to be the case with Mr. Fearon, the officer of the Charity Commissioners, who, a year or two ago, published a book in which occurred this remarkable passage:—

> "The wide extent over which the benevolence of founders has in times past spread itself, and the varied objects to which their bounty was applied, have not been sufficiently considered. In many instances it is true that the original objects have ceased to exist; in others they have, from changes in the state of society and other circumstances, become no longer the objects of charity at all; but it will be found on examination that, after deducting the obsolete and useless, there is much, even among charities of the oldest foundation, which, with very little adjustment, might be made suitable to modern habits, and valuable in the direction intended by the donors. These are questions which must be treated with tenderness, as they affect the birthright of the poor."

Mr. Fearon went on to say—

> "We have seen able men, with a partial acquaintance only with the details of charities, speaking and writing as if they comprised education only; and those have not been wanting who have insisted that the whole of these institutions should be fused down in the Parliamentary crucible, and be thence remodelled and redistributed according to the existing wants of society, and without reference to the sources whence they were derived or the original intentions of the donors. It is to the enunciation of such sweeping propositions as these, and others of a like kind, that much of the resistance to the measures for the improvement of the administration of charities is to be traced. It has been generally apprehended that, if power were given to vary by ready and simple means the trusts on which any donation should be administered, the minor parochial charities, whether useful or not, would one and all be swamped and absorbed in some wide scheme of popular education."

It really would seem as if Mr. Fearon had had a kind of prophetic vision that the noble Lord would, at some time or other, propose such a scheme as he had now actually done with regard to charities. But he (Mr. Henley) would now proceed to give some illustrations of what the noble Lord's views were with respect to what was "useless or injurious." A Report of the Charity Commissioners had recently been circulated; and one of the schemes which it contained had reference to the city of Coventry. Among other charities in that city was one of £500 a year, known as Moore's Charity, and another of £900 a year, called White's Charity, which had hitherto been distributed in the shape of doles of money among the poor of Coventry. The noble Lord (Lord John Russell) and his colleagues in the Charity Commission, by the scheme which they proposed, mixed up with those two the great bulk of the other charities of the city, and having stirred them altogether in a sort of hotchpotch, and having provided for a high school and for a clegyman's stipend and other matters, it appeared that there was a residue of £2,000 a year from all the charities, which the Commissioners called the "General Charitable Fund." One would naturally suppose that the "General Charitable Fund" would of course be applied to the poor, and somewhat in the manner in which it had been hitherto applied. But no such thing; when a person got an educational hobby, let the Committee see how he rode it. Out of that £2,000 a year the Commissioners assigned £250 to the hospital, £50 to the dispensary, £250 for fuel, clothes, and other necessaries, and £250 in annuities to the poor, making an aggregate of £800 per annum. Those assignments were all very proper, and were applicable to the poor; but now, what became of the remaining £1,200? £250 was appropriated to evening classes for the poor, as it was said; £250 for lectures, not for the poor, but for all the inhabitants; and the residue, some £700, was to form an industrial school for girls. It appeared, therefore, that only £800 a year absolutely went to the poor, while the remainder was all distributed for educational purposes. Now, he considered that that looked like a pretty strong diversion of the charitable funds of that city. There were some persons who thought that £2 or £3 given to a poor man did him more harm than good; but how had the system of doles worked hithero in Coventry? There were 40,000 inhabitants in Coventry, and he was told that the applicants for those funds were so numerous that it had been found necessary to pass a regulation that the same person should not receive any portion of them more than once in ten years. Let the Committee, however, observe the effect which this distribution had had upon the amount of outdoor relief which was given to the poor. It appeared from the Report of the Poor Law Auditor that in Birmingham the amount of outdoor relief per head of the population was about 11¾*d.*; in Warwick it was 2*s.*; in Worcester, 1*s.* 3*d.*; and in Banbury, 4*s.* 3*d.*; while in Coventry it was only 3¼*d.* He was quite aware that he might be told that this was only a ratepayers' question; but the fact was, that if the poor people of Coventry were compelled to accept parochial relief they would be disfranchised. He was told that those poor people valued the political franchise, and that they desired to keep it; but "No," said the noble Lord, "I'll ride my educational horse; I'll take this money from you and expend it in lectures, and you shall come upon the rates, and shall consequently lose your franchise." He (Mr. Henley) thought, if there were no other reason, that that alone would be sufficient why they should not, without inquiry, agree to a Resolution that would divert those charities from their original purposes, because the noble Lord thought them useless or injurious. Those charities prevented people becoming paupers, and surely that was neither useless nor injurious. There was a strong feeling among the poor of this country against becoming paupers, but they stood in need of help, which fortunately the bounty of our forefathers had provided for them; and he did not think that the noble Lord should be allowed to take it from them. He now came to that portion of the subject which he feared would at all times be the most difficult in the consideration of this question, and which he really thought the noble Lord might have spared them the necessity of entering upon. He meant the mode of settling what was generally called the religious question, and he felt bound to say that he thought that it would be most unwise for that House to pledge itself to any Resolution so vague as the one proposed on the present occasion by the noble Lord. The noble Lord had on a previous occasion, when he addressed the House upon this subject, pointed out with great truth—and he had referred to the authority of Dr. Arnold in support of the position—that it was impossible to teach a child any system of morality without the instruction being founded on some religious basis; and, in his opinion, the noble Lord might have gone further; and might have said that it was impossible to enter upon the slightest question of morality with a child without making religion the basis of such instruction. Now, the Resolution of the noble Lord pointed out that the Scriptures were to be read in the schools, and indicated that the School Committee were to point out what further religious instruction should be given. The words of the Resolution implied that the reading of the Scriptures should form part of the religious instruction in the schools, but if they were to be read with the view of deducing rules of life and of doctrine a serious difficulty at once arose. A member of the Church of England would say that certain rules and certain forms of sound words had been laid down by good men, and that he believed that to prevent persons going astray it was necessary that those rules and that form of words should be made use of. On the other hand, the Nonconformist and the Roman Catholic would take no such view, but would repudiate such teaching altogether, thus, consequently, a vast number of children would be prevented attending the schools. He believed that immediately schools were placed under the direction of a general Committee, difficulties of such an insuperable character would arise that it would be found that the only method of cutting the knot would be to establish a system purely secular, and to do away with all religious instruction in the schools. That would, he believed, be the unavoidable result, and he felt quite sure that the noble Lord would agree with him that such a result would be a great misfortune, and that the noble Lord himself would be the last under such circumstances to desire to see his Resolutions carried. Having found that difficulty with regard to the question of religious teaching, he next came to the objections which existed to the system of rates itself. He would not go into the question as to how far, under other circumstances, a rate might or might not be possible or desirable, because he thought it unnecessary to make any pledge as to the general question, and he thought that it was undesirable that the House of Commons should pledge itself either affirmatively or negatively upon that subject, because circumstances might take place which would change the whole aspect of the case. But what would be the immediate result of proposing a rate? He would not go into the consideration of a voluntary rate, because persons who did not at present subscribe to schools would not be likely to rate themselves, but would confine himself to the question of a compulsory rate, and, as regarded that subject, the machinery proposed by the noble Lord appeared to him to be most imperfect. The necessity for a rate was to be decided by the Privy Council, but there was no indication that any one should be heard by that Council upon the subject. The Privy Council, upon the Report of the Inspector, were to decide upon the necessity of a rate, and then power was to be given to the quarter sessions—the most extraordinary body, he thought, that could be selected for such a duty, to assess and levy the same. He could not conceive how the quarter sessions were to deal with such a subject. Were gentlemen in wigs to appear before them, some on the part of the parish, contending that the rate should be half a farthing, and others on the part of the Government Inspector, contending that it should be 9*d.*? Why, in that case, the quarter sessions would have to sit for everlasting, and would not arrive at a satisfactory conclusion even then. That House was disturbed every year, and it had been particularly so that year, by the question of church-rates; and did the noble Lord suppose that in parishes consisting of persons of different creeds the question of school-rates and of the election of a school committee would be more manageable? Suppose the case of a parish equally divided, the Church of England portion of the community, when they had the upper hand, would establish the teaching of the Catechism in the schools in addition to the reading of the Scriptures. Next year the Dissenters might get the superiority, and then the Catechism would be bundled out neck and crop, and the schoolmaster, if he insisted upon the necessity of a certain form of words, dismissed. In the next year the party in favour of secular education might get the upper hand, and then religious teaching would be banished altogether from the schools. He did not think that he had brought before the Committee a state of things which was unlikely to happen, and he felt certain that if it did happen no man in that House would regret it more than the noble Lord, than whom no one was more anxious to have not only a system of education, but a system of education combined with religious teaching. Now, who were the persons who at present most exerted themselves to promote education? They were earnest religious-minded men, and what security was there that if the power of establishing schools was thrown into the hands of the ratepayers generally, and questions such as those to which he had alluded raised, those men would continue their exertions? It appeared to him that those persons, who were now doing all the good in their power, would probably be disgusted and withdraw themselves from taking any further part in the matter, and so that which was at present the greatest help and stimulus to all the good teaching which went on in the country would be lost. He would now come to another objection, and not the least important one, upon which he was afraid he should be compelled to address the Committee at some length. The noble Lord had, for the first time, proposed that the employers of labour, who employed children between the ages of nine and fifteen, should compel those children to attend school and also pay towards their schooling. Now, the noble Lord had, he believed, been led to that proposition by what had taken place with regard to the factory schools; but he did not think that the two cases were analogous. The Committee would recollect that, in dealing with the factory question, the House had before it a great deal of evidence as to the injurious results, or supposed injurious results, to children of a tender age, from being kept at work for so many hours at a time. He therefore did not think the two cases were strictly analogous. He found that the school Inspectors complained more or less of the age at which the children were taken away from the schools. The Report of the Rev. Mr. Cook bore a good deal upon that subject. He gave a list, from 1851 to 1855, of the proportion of the children above twelve years of age that attended the schools in his district. In 1851 the percentage of children in the schools above twelve years of age was 11·28 per cent; in 1852 they increased to 13·43 per cent, and in 1853 to 18·85 per cent. The Committee would observe that the proportion went up from 11 per cent to 18 per cent in the period between 1851 to 1853, thus showing that there was no indication of any indisposition on the part of the working people to send their children to school. Those were years of comparative plenty among the working classes, but in 1854 came the war, and then the attendance of children above the age of twelve descended from 18 per cent in 1853, to 7 per cent in 1854, and in 1855 the number was only 10 per cent. It thus appeared that while the attendance had gone on steadily increasing up to the time when there was a great and sudden demand for labour, accompanied with a high price of the necessaries of life, it then suddenly decreased, and it was not yet recorded what was the actual amount of attendance at the present time. That was strong evidence that the poor were induced to take their children away from school from the necessity and desire to obtain the wages they could earn. The noble Lord had not indicated what he contemplated doing with regard to the children above twelve years of age; but that was a most important subject. The noble Lord did not even shadow out what were his views on that part of the subject. He read to the House an extract from Mr. Cook's Report, stating what the children might be required to do up to eleven and twelve years of age. Now that was a remarkable document. The Committee must recollect that the school Inspectors, if he might use the phrase, were the ears and eyes of the Privy Council. When it was found that there was an agreement between the schemes which they published, and when the noble Lord refrained from saying one word in repudiation of those schemes, he must be assumed to approve the method of education up to the point that was indicated by those publications. That was no trifling matter. Mr. Cook, after going through the subjects of reading, writing, arithmetic, English history, geography, the elements of physical science, natural philosophy, the principles of political economy, and drawing, said that all those things were to be attained by boys of fair average attainments at eleven years of age. Now what he wanted to know was, how they were to get all that knowledge? If the Committee agreed to a Resolution to require the masters and parents of children to pay for their schooling, the Committee ought to be prepared to say what they were going to teach the children after eleven years of age, especially when the masters and parents were going to be deprived of half the labour of those children. The noble Lord had thrown no light whatever on that part of the subject. He read that portion of Mr. Cook's Report, but he neither affirmed nor denied it. In that respect, therefore, the Committee was left quite in the dark. It could not be forgotten that the Rev. Canon Moseley, in 1854, when giving up his post of school Inspector, expressed his regret that the system which had been approved of by the Privy Council had not been successful. He said—

> "It would have been enough, and it would have been far more economical to have provided for the establishment of a sufficient number of dame schools throughout the country. All your Lordships' efforts have hitherto had for their object the perfecting the elementary school. You have entertained a hope that when the children of the poor were found by their parents to have derived more good than heretofore from their attendance at the school they would desire to send them longer. I will not conceal from your Lordships that hitherto this hope has been disappointed. In many cases the result has been the very reverse. The parents have reasoned that the schools being now so good their children can get all the learning they consider necessary for them earlier than they have heretofore done, and therefore they take them away sooner. And your Lordships' efforts for the education of the people are practically defeated, there being probably more people in this country in proportion to the whole population who are growing up unable to read and write than ever."

That was Mr. Moseley's statement; but it was right to say that that statement was not concurred in by the other Inspectors. In quoting the opinions of those gentlemen, he could only express his thankfulness to them for having so candidly put their opinions upon record; and in criticising their opinions, he could assure them he did so from the most sincere respect to them, for the able manner in which they had conducted the work intrusted to them. The next matter to which he would call the attention of the Committee was the opinion of the Rev. Mr. Kennedy, differing, as he did, from Mr. Moseley on this subject. He said, speaking of the superior schools—

> "Thus far, certainly, the schools under inspection in Lancashire and the Isle of Man, present a most pleasing contrast to those painful abodes of noise and dirt, and, I might add, of idleness and ignorance, which were called national schools some twenty years ago. We have order instead of disorder, comparative cleanliness and tidiness in place of dirt and slovenliness, classification instead of confusion, and uniform obedience and reverence in the room of quarrelling, and of positive disrespect alternating with sullenness. So much, at least, is certainly gained in a majority of the more important schools. And all this must produce an excellent moral effect on children."

He now came to consider the result of that improvement. That was by no means a light question; because when the Committee was asked to sanction an enactment to compel children to learn more than the parents required, they ought to have evidence of what had been the beneficial result of the system which had been already pursued. The Rev. Mr. Kennedy said—

> "There would be one very serious discouragement, however, attendant upon the very success of a school, if the doctrine be true which I have been informed has been put forth by the Rev. Canon Moseley and others—namely, that where a school is well taught and the children are early

proficient, they are taken away from school so much earlier in consequence. I totally disbelieve this doctrine. Though the schools under inspection are thus improved in the respects I have named, yet I have several times heard the remark made by persons of judgment and experience, that the youth who have left even the better national schools during the last ten or twelve years do not carry on their studies as they might be expected to do; and it is even asserted that they do not exhibit any greater intellectual power than those young men who were educated in times when our national schools were less well managed.''

That was an important statement, coming as it did from such a person as Mr. Kennedy. He went on to answer the question—"Did the parties really retrograde?'' He said—

"The question is, do the scholars who are continually leaving the head classes in our improved schools carry on their mental cultivation? or, on the contrary, do they retrograde in attainments and intelligence? If the latter be the case, there is some great defect in some part of our system which requires to be remedied."

Well, he did not leave the matter there; he went on to consider the question which, upon a larger scale, a year or two back, was agitated with regard to the effect of the higher schools. Mr. Kennedy spoke with reference to the existing mode of teaching and gave his opinion upon it. He said—

"I confess I think there is truth in the statement, that those who leave our national schools deteriorate intellectually rather than improve; and I do not think this is satisfactorily accounted for merely by the early age at which they leave."

It was clear that the noble Lord the Member for London and Mr. Kennedy were at issue about the effects of the age at which the children of the poor usually left school; so between them he would leave it. Mr. Kennedy then went on to say that, in England we want at least three grades of schools—an infant or first school, a second school, and a third school; and those he would classify thus:—

"In the first school, till they could read easy narratives and write and cypher a little; that would be till about six or seven years of age. They would then have to attend the second school till they could read and write well, and till they were perfectly conversant with the compound rules in arithmetic, or even till they had gone through vulgar fractions, and till they could write from dictation and parse an English sentence fairly. . . . . They would gain these acquirements by the time they were about nine or ten years of age, according to their capacity. They should then be expected to attend the third school. Here I should be inclined to propose a great innovation. I would have regular lessons on four subjects only. In the morning the boys should learn a language and drawing, in the afternoon arithmetic or mathematics, and music by notes."

Such were the ingenious views of Mr. Kennedy, but he (Mr. Henley) confessed that he was not without serious misgivings as to whether the working men of Manchester would view with much favour the proposal that at the very period when there was the greatest pinch upon their families, their children should be incapacitated from earning wages by being kept at school to learn drawing, arithemetic, mathematics, and music. It was only from such suggestions and recommendations as had emanated from the Government Inspectors that it was possible to gather any notion of what the probable proceedings of the Privy Council would be in the event of that body being armed with power to compel the attendance of children at school. The evidence on the part of the Inspectors was conclusive as to the reason why children were not continued longer at school. It arose simply from the necessity of turning their labour to good account. It was not to be traced to any disinclination to send their children to school among the humbler classes. On the contrary, those classes were most anxious that their children should be taught—it was to be attributed exclusively to the poverty of the parents, which was such that they could not afford to lose the wages of their children. The Rev. M. Mitchell, the Inspector who has the eastern districts of England under his superintendence, has published in his Report, page 310, the following opinion on the subject of dame schools:—

"I conceive that a dame school, well conducted, would supply the needs of all parishes with a population under 450, and that the elder children would find accommodation in the juvenile schools of larger parishes neighbouring to them. Such dame or small infant schools might be safely left to the care and management of the ladies in the neighbourhoods in which they might be placed, and would demand only the slightest supervision of the Government, were it deemed necessary to apply such stimulus."

Further on (p. 317), in the same Report, Mr. Mitchell touches on the question of recreation—a very proper subject, no doubt, for his consideration, since children cannot learn without it. But what is the kind of recreation that Mr. Mitchell suggests? Had he not seen it in print he could scarcely have believed it, he would entreat the attention of the Committee to the following extract from the rev. Gentleman's Report—

> "It seems to me that more might be attempted in the teaching of games and amusements to the children of our schools. It is humiliating to hear that the English soldier, compared with foreigners, is deficient in means of passing his leisure. Taken as a whole, the life of an English labourer is the dullest and most unpleasing that can be imagined. Away from his work he has no employment, either for the head or hand, and this want of the power of amusement often drives him from bad to worse. The man that skulks behind a thicket for game, or rouses the parish in a drunken pothouse brawl, would possibly have found a different occupation had there been a room provided for him, well lighted, and furnished, not merely with books, that he cannot read, but with backgammon or chess, or draughts, or even billiards and bagatelle, the mysteries of which would not take long to learn."

Such recreations were probably suggested to the rev. Gentleman by what he had himself seen in certain educational institutions in France, but he (Mr. Henley) certainly considered that they were scarcely suited to the habits and feelings of the English people; nor was it likely that their adoption would find much favour with the working classes of this country. Mr. Kennedy's objections to the present system appeared to proceed on the ground that it was too professorial. He seemed to think that it might be compared to a fire-engine, which after being crammed with every kind of information was discharged by a well trained hand with greater or less force at the children congregated in a school-room, the effect being that the children in question were wetted indeed, but not so effectively cleaned as they might have been if the operation had been gradual and performed by themselves. If he had read the Inspector's objections aright, they might fairly be illustrated by some such image as that. It being considered that the system required emendation, Mr. Kennedy proposed the introduction of mathematics that he might conciliate Cambridge, and of classics that he might stand well in the graces of Oxford. That was his plan of bracing up the youthful mind and enabling the children of the poor to buckle to their work. It was ingenious, to say the least of it. The statements in the Reports of the Rev. Mr. Cook and the Rev. Mr. Watkins distinctly proved that the real reason why children were not sent to school by their parents was, not that the parents could not pay the penny a week, but that they could not afford to lose the earnings of their children. With respect to the total amount earned in wages, by children between the ages of twelve and fifteen it had been variously estimated. In statistical papers presented to that House it had been calculated at £3,000,000 a year; but, if the calculation of one of the Inspectors with respect to five or six counties were applicable to the whole country, it would be nearer to £5,000,000. Mr. Cook had stated, that it was no uncommon thing for boys in London to receive 6*s.*, 7*s.*, and 8*s.* a week. The inconvenience of the plan proposed would be enormous to employers, who would be driven to have recourse exclusively to adult labour. Thus the earnings of many humble families would be reduced, and the parents would be unable to pay for the schooling of their younger children, while they would lose the wages of the elder ones. By such a proceeding a reaction against education might be produced which would go far to check the progress of education for some time to come. But it should be remembered that there was a large class of poor children—numbering hundreds of thousands—who were neither at school nor at work. Those neglected children had the strongest claim upon the care of the State, and yet the noble Lord's Resolutions entirely overlooked them. Moreover the cause of education was gradually gaining adherents among those in every grade of life who had previously been unfriendly to it; and we ought to be on our guard lest, by making it the instrument of inflicting an injury on the employers of labour and their workpeople, we might do that which would arrest the beneficial movement in its favour which had been steadily going on. Mr. Horace Mann, in his work on the census, gave it as his conclusion, that the average period during which the children of the upper and middle classes continued at school did not exceed six years, exclusive, of course, of what was called their "professional education," which commenced at a more advanced age. If that were so, what just pretence could the State have for interfering by the strong hand with employers of labour and with the free discretion of parents in order to enforce a longer attendance at school on the children of the poor than was deemed necessary for the offspring of the higher ranks? That would, however, be the effect of requiring the children of the working classes to be kept at school from the age of five to fourteen or fifteen years. He had heard nothing to induce him to believe that so inconsistent a principle could be carried out with any hope of success. Reverting once more to the numerous class of children whom the census tables showed to be neither at school nor at work, the plan of his right hon. Friend (Sir J. Pakington) and that of the noble Lord alike omitted to deal with their case. Indeed, the unfortunate position of those children could not be properly grappled with by any legislative enactment. The circumstances in which they stood were so infinitely diverse, differing from each other in almost every great town in the kingdom, that a remedy for their mental and moral destitution could only be supplied slowly and step by step, until the entire body was brought under the salutary influences of educational training. It was much to be deplored that the Committee of Privy Council had not turned its attention to that urgent want. With no grudging or niggard hand had Parliament dealt out the public funds to encourage the exertions of that Committee; and if its labours to promote the spread of instruction had ever been called in question, it was certainly not because their grants were too liberal, but rather because, in some instances, their mode of rendering pecuniary assistance was too cramped and restricted. If, therefore, the Committee of Privy Council only addressed itself to the laudable task of bringing within the pale of secular and religious instruction that large class of helpless children whom Mr. Cook included in the somewhat singular category of "the Arab population," it would not only be certain to receive an extension of the generous confidence of Parliament and the public, but would elicit the warmest commendation and gratitude from the country. Let them, then, begin with Manchester, Liverpool, Leeds, or London, and endeavour to reclaim the thousands of forlorn children who roam about the streets in gross ignorance of their duty to God or man, and an easy prey to every temptation. That was the direction in which the Committee of Privy Council would do well to give elasticity to their Minutes. One plan of achieving that good deed might answer in the north, and a different one in the south, in one place more and in another less of the religious element would be applicable. Any ambitious and wholesale scheme would, however, inevitably fail—the work must be done tentatively and bit by bit. If the number of those unhappy outcasts were reduced in that unpretending but practical way, in any one locality before another, Manchester, he was sure, would not be jealous of what was done for London, nor London of what was done for Manchester. If, however, the plan proved unsuccessful after trial, the Government would, at all events, be able to say that it had striven its best to do its duty and meet a pressing State necessity. Surely the obligation to rescue from ignorance and crime children abandoned by their parents, was far higher than the duty to extend up to fifteen years of age the education of those who now, for a certain time at least, enjoyed the benefits of school instruction. It was, moreover, a far more humane as well as more urgent enterprise than a recourse to forcible measures to improve the quality of education in places where its standard was not exactly what it should be. The State, by stepping in to reclaim a portion of those children, might teach them habits and qualify them for positions which would enable them to set an example to the rest of their class, and also make neglectful parents ashamed of their wickedness and folly. In that mode, by snatching the young, now neither at school nor at work, from a fate which exposed them to be half-starved one day and almost driven to thieving the next to maintain life, incalculable benefit might be done to society, and the aggravated evils of a large neglected, if not criminal, population put in a fair train for being materially redressed. By rescuing those poor children from their present dangerous state, he believed that they would get rid of the great nucleus of the criminal population of the country. It should never be forgotten, however, that instruction was not education. If the State thrust itself forward in the manner proposed by the noble Lord's scheme and meddled with every branch of education, it would at once stand *in loco parentis* to the whole youthful population of the country; and, in that case, how would it be possible to retain the religious element in our public schools? If it were not possible to maintain that element, to what a condition would the people of this country be reduced when they had been deprived of a system which, if it did not effect all the good that might be desired, was at least founded upon sound principles? The result, considering the difference of opinion on the subject, would undoubtedly be the introduction of a secular system of education. He thought the example of America, to which the noble Lord had himself referred, was conclusive upon that point, and it must be remembered that the system in that country was commenced by parties of strong religious feeling, and that at the time home influence prevailed to a great extent. In this country, with respect to a large class of children it was impossible that any home influence could be exerted. Owing to the great demands which were made upon the time and energies of the working classes in the struggle for existence, it could not be expected that their children would receive any religious teaching at homė. It was absolutely impossible that the ministers of religion, earnest, active, and zealous though they were—and he spoke of ministers of all persuasions—could supply this want, for in the large towns especially those ministers were found only in the proportion of one to thousands of the population. If the Committee chose to adopt such a sweeping plan as that now proposed, they would abandon a principle which he believed had tended materially to the stability and security of this country—namely, that all education, from that which was imparted at the Universities down to that which was afforded to persons in the lower classes of society, should be based upon sound religious teaching. Full freedom was given to all, and under the denominational system all religious bodies, according to the light which God had given them, were endeavouring to train and to educate their humbler brethren. He hoped that system would never be abandoned, and, as he thought the scheme of the noble Lord had a strong tendency to overturn it, he begged to move that the Chairman do now leave the Chair.

Motion made and Question proposed, "That the Chairman do now leave the Chair."

MR. ADDERLEY said the right hon. Gentleman who had just resumed his seat had informed him that he had determined to move the Resolution with which he had concluded, because he thought it would be more courteous to the noble Lord (Lord J. Russell) than the proposal of a direct negative upon his resolution, and because it would also save the time of the Committee. He thought, however, that the right hon. Gentleman, by the course he had pursued, would not attain either of these objects. It did not seem to him (Mr. Adderley) particularly courteous, at the instant when the chairman had taken the chair, to move that he should leave it, and thus practically to prevent the Committee from considering any of the noble Lord's Resolutions. He rose immediately after the right hon. Gentleman, because he could propose a plan which he believed was more consistent with the gravity of the subject before the Committee than the Amendment of the right hon. Baronet. The noble Lord had prepared twelve Resolutions, which he desired to submit to the Committee, but the right hon. Gentleman the Member for Droitwich asked the Committee to pass by them all. He thought the right hon. Gentleman would have attained the object he had in view more completely if he had adopted the plan which he (Mr. Adderley) had sketched out in an Amendment he had placed upon the paper. The meaning of the Resolution, "that the chairman do leave the chair," might be intelligible to Members of that House as an analogous course to moving the previous question, which implied that they did not think it expedient to consider the subject at present; but that Resolution would produce the impression on the minds of the people at large, that in the opinion of the majority of that House the existing system of education was satisfactory and sufficient. He (Mr. Adderley) certainly was not prepared to say that he thought the existing state of education throughout this country satisfactory and sufficient; and, although he could not assent to all the Resolutions proposed by the noble Lord, he was quite ready to agree to the first Resolution, but he thought it might be amended so as to render unnecessary several of the succeeding Resolutions. He would divide the noble Lord's Resolutions into three classes. The first class of Resolutions proposed the revision and extension of the existing system of education, which was a system of subsidising schools established by voluntary efforts, by Treasury grants, and placing them under the inspection of the Privy Council. The second class of Resolutions proposed compulsory rates, or the subsidising of voluntary efforts by local rates; and in the third class of Resolutions he would place those which related to the extension of the powers of the Charitable Trusts Commissioners, and the establishment and extending of the system of evening schools and libraries. He thought that, with regard to the third class of Resolutions, no hon. Member of that

House—not even the noble Lord by whom they were moved—was sanguine enough to suppose that, considering the advanced period of the Session, the House could come to a vote upon them. He might seem to be guilty of some inconsistency in recommending that they should limit their discussion to the extension of the Privy Council system, and that they should exclude from their consideration the Resolutions which proposed a system of rating, for in the case of the Manchester and Salford Bill he had proposed a system of rating, and he had last year supported the proposition of the right hon. Member for Droitwich (Sir J. Pakington), which involved a similar system. He was firmly convinced that a system of education supported by rates would be the best and most effectual scheme that could be adopted in this country, and it would be consonant with the spirit of our institutions, inasmuch as it would be dependent on a system of local support and administration independent of the Treasury or any central authority. He thought the rate system was the best that could be adopted, because it was the least eleemosynary; but he admitted that at the present moment he regarded it as impossible. He grounded that opinion upon his own experience, and upon the state of things which existed in this country. It seemed to him that there were only three cases in which a national rate for education was possible. First, in despotic countries, where the ruling power could impose a religious creed on the people, as in Austria; secondly, in countries where a creed could be formed by the amalgamation of different religions, as in Prussia; and thirdly, in free countries like the United States of America, where, as in New England, the people agreed to eliminate religion from the system of education, or failing that, established a moral code which had as much to do with Christianity as the enlightened paganism of Greece and Rome. A national rate for education was also possible in countries where the religion was œcumenical, as in Switzerland, where, in the Protestant cantons, schools might be founded on a Protestant basis, and in the Roman Catholic cantons a Roman Catholic basis. So, in Scotland, where the vast mass of the people professed the same creed, a national rate could be adopted. But in England there was neither a despot to impose a religious creed, nor precisely that degree of diversity which admitted the formation of an amalgamated creed, nor yet a disposition to eliminate religion from any general system of education. At present, therefore, a national rate for education was impossible; and he would ask the noble Lord whether he was prepared to obstruct, if not defeat the measure he had prepared by importing into it that which he must know to be impracticable, and which was inconsistent even with the two great objects he had in view, namely, to complete the system of education in England, and to do so upon the existing basis. Why should the noble Lord, for the purpose of increasing his difficulties, embark upon that sea which, as he had stated in his opening speech, was full of rocks and shoals, and strewed with the wrecks of former ships that had tried in vain to navigate its dark and stormy waters? Would the noble Lord prefer a complete failure to an incomplete success? If he boldly asserted the superiority of theory over practice, one could at least understand him, however little inclined to adopt his views; but it was impossible to reconcile his expressed desire to extend the means of education with his proposal to establish a compulsory national rate. He (Mr. Adderley) was, as he had previously said, prepared to vote for the first Resolution, and to exclude all the remainder connected with rates. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who was the great opponent of rates in that House, had admitted, strangely enough, that the time might come when, the voluntary system having failed or flagged, a national rate might be necessary. He would take the liberty to tell the right hon. Gentleman that both flanks of the question of rates had already been turned, and, unless a sharp look-out was kept, there might soon be an attack in the rear. One flank had been turned by the recent Act for supporting the Middlesex Reformatory School by means of a local rate. In that school one-third of the criminal children of the kingdom received their education; and, whatever the noble Lord (Lord J. Russell) might say to the contrary, most persons would admit that reformatories were not only national schools, but the most important of all. The other flank of the question of rates had been turned by the Act for the establishment of pauper schools, which were national institutions based upon local taxation, and also by the Bill passed last Session for placing pauper children in national schools. But all those reformatory and pauper schools were more or less despotically governed; they formed a portion of the Governmental departments of the country, and were not analogous to the voluntarily supported national schools. Hence, although it might be possible in their case to adopt the system of rates, it did not follow that the same system could be extended to the other schools of the country. With regard to the question before the House—that the Chairman should now leave the chair—there could be no doubt that to lead the public to suppose that the House of Commons was unwilling even to consider the expediency of extending the present system of education would be dangerous in the highest degree. If the noble Lord had not introduced his Resolutions, it would, perhaps, have been wiser not to raise the question at the present moment; but now that he had submitted his propositions to the House—now that he had asked them to affirm the expediency of revising, extending, and consolidating the Minutes of the Privy Council on Education—were they prepared to pass from the subject and refuse to consider it? It was absolutely necessary that the Minutes of the Privy Council on Education should be revised, extended, and consolidated. The right hon. Gentleman the Member for Oxfordshire had complained of the vagueness of the Resolutions. Why, all Resolutions were vague, and the only fault that could be found with those now under consideration was, that they were not vague enough, but entered too minutely into such details as the number of districts and inspectors. But the right hon. Gentleman had asked how the Minutes were to be extended? In the course of the debate the noble Lord (Lord J. Russell) would doubtless explain the mode in which he proposed to extend them; and, meanwhile, it was no matter for regret that the Resolutions had not been made more detailed. As to the necessity of revision, there could be no difference of opinion, for, although the Minutes were now all contained in one Blue-book, he defied any one to understand them. Many of the existing Minutes had only been framed for temporary or special purposes, and many others were either obsolete or contradictory. He therefore thought they should eliminate all those and construct a permanent code, consisting of distinct and intelligible rules, which would be extremely valuable. The great defect of the present system was, that it did not reach the very classes for which it was originally planned—namely, the pauper, vagabond, and criminal children of this country; and therefore, in framing a new plan, they should endeavour to provide for an extension of surface, so as to reach those 400,000 or 1,000,000 of children—the precise number did not matter—who were now left wholly unprovided with education. Besides extension of surface, however, they should also see that there was restriction of object. The object of the present system appeared to be, not to make ploughboys and mechanics, but to make scholars. Parents did not want that; they wanted their children to be fitted for the pursuits they would have to follow in after-life; and, as they found that was not done in the schools carried on under the present system, they either did not send their children at all, or took them away at too early an age. In considering a proposition, therefore, for compelling parents to send their children to national schools, they ought clearly to understand on what plan those schools were to be conducted; for, if they were to pass a law to compel poor parents to send their children to a school to be made scholars of, they might just as well pass another law to compel the noble Lord to send his children to a school where they would be educated for becoming ploughboys or artisans. The one law would be no more absurd or tyrannical than the other. If, on the contrary, they instituted a proper plan of education, he believed they would hear no more complaints of the reluctance of parents to send their children to the national schools, and that in a short time they would find the great mass of schools throughout the country voluntarily bringing themselves into connection with the Government system.

MR. ELLICE (Coventry) said, after the observations of the hon. Gentleman who had just spoken, he should not have thought it necessary to trouble the Committee with any remarks had it not been for the allusions made by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) to the bearing which the Resolutions of his noble Friend the Member for the City of London would have upon the charities of this country, especially upon those of the city which he had the honour to represent (Coventry). He did not wish it, however, to be understood in voting for the first Resolution of his noble Friend, on the principle which had been stated by the hon. Gentleman the Member for North

Staffordshire (Mr. Adderley), that that conveyed any approbation of the other Resolutions to be submitted to the Committee. Now he might observe that he did not suppose there was an instance in the history of this country in which an attempt so unjustifiable had been made to confiscate property which had been consigned to trustees to be devoted to those purposes for which it had been left by the founders, and in connection with which so little interference was called for by any imputation upon the conduct of those trustees, as that which had been made by the Commissioners in the case of the charities of Coventry. The right hon. Gentleman, however, had not stated the subject to the Committee in its full extent. A great majority of the charities of Coventry had been specifically granted by different founders for specific objects, and the first complaint to which the Commissioners were open was, that, not satisfied with dealing with those trusts which might be legitimately applied to the purposes of education, they had swept away the whole of them into one general fund, which they had disposed of—as appeared from their Report—rather in accordance with their own caprice than upon any sound or intelligible principle. It might be said that bequests were prejudicial to the country, inasmuch as they tended to encourage sloth and idleness, to the exclusion of industrious habits; but if that were so, why should the Commissioners, in one portion of their Report, support that principle of eleemosynary aid which it seemed in the main to be their object to condemn? They had, as he before observed, swept away the whole of the charities of Coventry, and thrown them into one general fund, a portion of which fund they had applied to educational purposes, and a portion to charitable uses. Now the inhabitants of Coventry strongly objected to the circumstance that the charities which had been selected by the Commissioners should have been preferred to those for which the funds had been originally bequeathed; and he quite concurred with the right hon. Gentleman opposite, in thinking that one of the great objections to the Resolutions of his noble Friend below him was, that they proposed to establish, with reference to charities, a principle which had, until very lately, never been heard of in this country. If charities were applied to improper purposes, or had ceased to be applicable to the uses for which they had been specifically bequeathed, the trustees and other persons interested in them had power to go to a Court of Justice and there obtain a new scheme, which should be for the benefit of all parties, in a manner as conformable as possible to the original object of the founders. But by the Resolutions of his noble Friend no discretion whatever was to be left to any parties, and the restriction was imposed that all the funds were to be applied to purposes of education solely and absolutely. If they once admitted such a principle, nobody in that House could predict where it would end. In Coventry the proposal now made had been objected to in the strongest manner, not only by persons interested in the charities either as recipients, trustees, or managers, but by the corporation, the citizens, and the whole community. Besides, as regarded Coventry, it was the more unnecessary to interfere with those charities for purposes of education, as within the last few years that city had built new schools for 4,000 or 5,000 children, and they had taken every measure that appeared necessary to them for promoting the cause of education; and, beyond that, though he himself objected to the principle of rating, if it were necessary to make a rate for educational purposes, the whole community of Coventry would prefer being rated to having the charities of the city forcibly diverted from the purpose to which they were now applied. He trusted, therefore, that in voting for the first Resolution of the noble Lord (Lord J. Russell), on the principle that had just been laid down by the hon. Member for North Staffordshire (Mr. Adderley), he should not be supposed to concur in those other Resolutions which gave the Charity Commissioners power to convert the whole of the charities throughout the Kingdom to educational purposes. [Lord J. Russell: I do not propose to do so.] His noble Friend said he did not propose to do so, but he (Mr. Ellice) found in the Resolutions no limit imposed on the very wide discretion left to the Commissioners. It would be infinitely better to pass an Act of Parliament prohibiting charitable persons from bequeathing funds for particular purposes, than to encourage them to leave their money and make it liable to absolute confiscation hereafter. His only motive in voting for the first Resolution was that, being anxious to promote the cause of education by all fair and legitimate means, he thought they ought to give it as much assistance as they could, and also because he did not wish it to be supposed that that House was adverse to the principle of education. Before he concluded he begged leave to say a few words in reference to the general question of education in this country. He believed they could best maintain the progress that had been made in the work of public education in this country by giving as much assistance to the voluntary efforts of the people in all directions as the liberality of Parliament would afford. He did not believe it would be possible in this country to institute a system of compulsory Government education, but that by the attempts they had been making in that direction they had arrested many efforts of charitable and well-inclined persons who were only too willing and too anxious to go on with them in the cause of education. If they would only consider the various influences which acted on human nature in that as well as in everything else, they would hesitate before they deprived local parties of the merit to which they would entitle themselves by their exertions in this cause. The same vanity, the pride, and the impatience of interference, which at present prompted cities and parishes to make exertions within themselves for the cause of education would, if not deter, at all events discourage them from making those efforts, if all the credit was to be taken from them by Government officials. The cause of education would be best promoted by encouraging the rivalry, if he might so call it, of different communities, and, he might add, of different sects, and not by placing them all under Government control and bringing them under Government management. At the same time, whatever might be the views of each individually as to the propositions of his noble Friend, he could not conclude without expressing his conviction that the House and the country were deeply indebted to him for the zeal and ability with which he had laboured to promote a cause of so much national importance.

MR. LIDDELL said, he should be glad if Parliament, before it determined on adopting any new educational scheme, were carefully to consider the merits of the existing system. He believed that high authorities in that House were disposed to underrate the advantages of that system, and it was also his opinion that the country was not fully aware of the valuable effects which had resulted from its operation. For his part, however, he could not help thinking that it would be impossible for the ingenuity of man to devise a scheme better calculated, in the present state of religious opinion, to adapt itself to the wants and the wishes of the country. It was a scheme of non-interference on the part of the Government—it was a scheme by which they only sought to stimulate and to aid local efforts. Nobody need avail himself of it who did not desire it, and those who were prepared to conform to its requirements derived from it the greatest advantages. Under those circumstances they ought to hesitate before they ran the risk of prejudicing a system which had already met with so much success. The noble Lord in his introductory speech the other night, had alluded to the desponding tone that pervaded the Reports of the Inspectors of Education throughout the country. But he (Mr. Liddell) would first state upon that point that the Committee ought not to put too literal an interpretation on the statements of men—intelligent and excellent men, no doubt, but naturally disposed to attach the utmost importance to deficiencies which formed the special subject of their attention. Those gentlemen formed a very high standard of what a system of national education ought to be, and if the reality did not quite reach that standard, they were apt to labour under a feeling of that despondency which pervaded their annual Reports. But he had further to observe, that the reports of some of the Inspectors went to indicate a marked improvement of late in the condition of the schools. The Rev. Mr. Kennedy, for instance, spoke favourably of the progress of education during the last year in the manufacturing districts of Lancashire. The Rev. F. C. Cook bore similar testimony to the improved operation of the system in the metropolitan districts; and the Rev. Mr. Norris gave evidence to the same effect with respect to Shropshire, Staffordshire, and Cheshire. The latter gentleman mentioned the satisfactory working of a system of prize-fees which had been offered by some residents in the local districts of Staffordshire, to encourage the attendance of the pupils, and stated that during the last year there had been thirty or forty fresh applications for inspection, with a likelihood of still further advance. He regarded the report of the Staffordshire prize scheme with peculiar interest, for by the exertions mainly of the hon. and Rev. John Grey, a similar scheme had been recently established in the mining districts of Northumberland and Durham, and he hoped to see equally satisfactory results achieved. He believed it was not so much to the want of schools, or even to the indifference of parents to the education of their children, that our present shortcomings were to be traced, as to the high price of juvenile labour in many of the mining and agricultural districts. Many Members would perhaps be surprised to learn that there were districts in his own country, in which a lad of fifteen could earn double the amount which could be earned by an adult labourer in other and poorer districts of the south of England, such as were to be found, for instance, in Dorsetshire. It was a serious question, therefore, for the Committee to consider, whether it would prevent the employment of so large a portion of juvenile labour, as the noble Lord's scheme proposed. But he was far from saying that improvements might not be effected in the present system, and that it might not be extended with great advantage. With the anxiety which he felt for that improvement and that extension, he looked with great satisfaction at the new measure for the appointment of a Minister of Education, who would have to superintend the system throughout the whole country. He hoped that one of the results of that measure would be a relaxation in certain instances of the conditions on which the Committee of Council on Education had hitherto been prepared to sanction grants from the public funds. He thought that those conditions were sometimes unnecessary, and even frivolous. He knew, for instance, cases in which the Committee of Council on Education had insisted on a school having a boarded floor, and not a brick floor. Before he sat down, he wished to make a few remarks on some portions of the speech delivered by the noble Lord (Lord J. Russell) the other night; but before he proceeded to discharge that duty, he begged to say, that he was anxious to speak of the noble Lord with the greatest deference and respect, and that he believed one of the brightest features in the noble Lord's bright career, was the devotion he had always evinced to the promotion of the great cause of the education of the poor. The noble Lord had, he considered, spoken somewhat harshly of schools of an inferior class known by the name of "dame schools." Now, it was perfectly true that the acquirements of the teachers in those schools were in general of an humble order; but it was also true that those teachers might be more likely than men of high education to instruct young children in those rudiments of knowledge which was all they could be expected to be able to acquire. The ages at which the great majority of the children of the country were at school were six, seven, and eight years. What was the amount of acquirement which would be considered satisfactory at those ages? Surely, if a child could read, write, and know something of arithmetic, it was all which could be fairly expected, and he thought the dame schools were fitted to impart that amount of instruction. He believed much good would result from inducing schools to form groups in rural districts, as one central school of an advanced character might be made to receive the more promising pupils from a large number of the more elementary schools. He repeated that the present system, on the whole, worked well, and he hoped the Committee would pause before they determined on its destruction. They had heard much of the great effects of the compulsory system of education in Prussia, in the United States of America, and other countries. But he very much questioned whether the Prussian system, if tested by the condition of Prussian society which recent events had rendered only too notorious, and that among the highest classes, showed any advantage over the system by which the people of this country were educated. With respect to the United States, he would only observe that Mr. Seymour Tremenheere, who had taken the trouble to go through the leading states of America, to ascertain the state of religious instruction in those States, said—

> "The example of what has occurred and is occurring on that subject in the United States, cannot be referred to as a solution of our own difficulties, or as a safe guide upon a path upon which we have not yet entered."

The noble Lord proposed to support the schools by an educational rate to be raised in those districts which, from poverty or want of zeal, did not make sufficient provision for the educational requirements of the people. But it was evident that a poor district was not the fittest field for the imposition of a fresh tax, and it was equally clear that such a measure must be calculated to increase the hostility to an educational provision of a district in which that hostility was already but too strongly developed. That consideration should induce the noble Lord to consider well the step he proposed to take. He (Mr. Liddell) at all events was convinced, that the schools supported by a compulsory rate must necessarily be secular schools, and that no religion could be taught in them, from the impossibility of reconciling persons of different sects and opinions to any one form of religious teaching. The noble Lord endeavoured to frame a Resolution under which employers would be compelled to provide for the education of the children in their employment. But the noble Lord only dealt with that portion of the children of the country who were adding to its productive industry, and who were contributing to the support of their families; and his Resolution for a compulsory education would not extend to those vagrant and unhappy children who stood far more in need of his interference. The noble Lord ought to consider the great injustice he would do to the parents of employed children by his proposal—a proposal which would be equivalent to an enormous tax on many industrious families. What appeared to him (Mr. Liddell) to be most wanting for the education of the poorer class of children, was some enactment that would unite the provisions of the Act known as Mr. Denison's Act, passed in the last Session, and the provisions of the law now in force for the schooling of vagrant and destitute children in Scotland. But if they were not to have a compulsory system of education, and if they were not to support their schools by rates, to what were they to look for the promotion of education in this country? He believed that the poor man kept his children at school so long, and so long only, as he believed was necessary to fit them for the station they had to fill in after life. He believed that in proportion as that station was raised, and in proportion as greater scope was given for merit and intelligence in every branch of industry, in the same proportion would the inducements of the poor man to educate his children be multiplied. Such inducements were held out by the recent adoption of the system of competition, examination for offices in our civil service at home, and in the civil service of the greatest of our foreign dependencies, namely, India. Another great inducement to the poor man to educate his children, was to be found in the increased demand for skilled labour which had arisen of late years in this country. Every railway, every telegraph and factory created a new demand for skilled labour; and even in our agricultural districts, the introduction of a variety of new and ingenious machines called for a higher degree of intelligence on the part of those who were to work them. There could be no doubt, for example, but that steam thrashing machines and saw mills required more skill than the line and the flail which had preceded them for so many ages. The incentives to education were therefore daily increasing; and he could not help thinking that they might look with far greater confidence to the operation of those natural causes than to any compulsory enactment for the extension of that great blessing.

MR. WARREN: Sir, I should not have ventured to rise on such an occasion as this, for even the few minutes I intend, had I not felt constrained, and even oppressed, by a sense of public duty. The vast question now before the House, which has occupied my thoughts for years, is, indeed, one of the most difficult that I can imagine proposed for the consideration of a deliberative assembly; and I must beg to express my opinion that the grave and statesmanlike spirit in which the noble Lord the Member for London brought forward his Resolutions the other night, was such as to conciliate the respect of the House, and produce a favourable impression on the country. Sir, any one, independently of the anxiety of addressing this House for the first time, may be forgiven for feeling oppressed at approaching the subject before us; for no Parliamentary question stirred in my time, has appeared to me so beset with deep-seated, widespread, and closely-connected difficulties, as that relating to the expediency of establishing a comprehensive system of national education. If you view those difficulties from a little distance, the more formidable and threatening they appear in disposition and outline; if you come nearer, their ramifications into men's interests, passions, and convictions, seem endless. Sir, those are the best friends of the cause of popular education who are most deeply impressed with a sense of those difficulties, after a patient survey of them; for such persons will be cautious and conciliatory, without faltering in their resolute determination. The worst enemies of that cause, are those who overlook or undervalue those difficulties, on the one hand, or on the other conjure up imaginary ones, or easily listen to those who represent them as insuperable, and quickly give up their harassing efforts—for harassing they are to an honest and energetic spirit—with a sort of willing despair. Other enemies are to be found among those who, though with the best intentions, are superficial and rash in dealing with this truly Imperial question; who expect either too little, or too much, from the Legislature or the people; who are so wedded to their own views that they would prefer seeing the ship founder if they are not allowed to grasp the helm; or who, finally, are influenced by illicit but unavowed motives and objects, or unjustifiably and with levity impute such to their opponents.

Sir, there are so many in this House possessing minute special knowledge on this subject, that I shall not attempt to deal with the details involved in the noble Lord's Resolutions—and indeed I trust I may be pardoned for saying that preceding speakers (this evening) appear to have prematurely superinduced details upon a discussion which ought to be confined solely to one of principle—the great principle which alone is now before the House. I shall, therefore, content myself with two or three remarks of a general nature, such as may appear to come fairly within the scope of the noble Lord's Resolutions. Sir, one or two who have preceded me have almost taunted the noble Lord with making a new adventure on this question, after so many previous failures by himself and others; but, for my part, I think both he and the right hon. Baronet below me, the Member for Droitwich — his friendly and able rival in this cause—are on that very account entitled to be dealt with all the more tenderly and considerately. Though these difficulties may have disheartened men of ardent and sanguine temperaments, I really cannot persuade myself that those difficulties are to be deliberately pronounced by a British Legislature insurmountable; that there is something so prodigiously exceptional in the nature of the English people and their institutions—we are of so very special an idiosyncrasy—that what has been done prosperously elsewhere, in States of opposite political conditions—free States and despotic, republican and monarchial, young and old, great and small—cannot be even attempted here in free, constitutional England! Sir, after the most dispassionate and honest consideration which I have been able to give to ably stated arguments, and especially those contained in certain papers submitted to myself, and, I suppose, all other hon. Members, and in which the noble Mover of these Resolutions is spoken of, I must say, in a tone of acrimonious hostility which might have been spared; and aware that I differ on this subject from many right hon. and hon. Friends around me, some of whom I have known half my life, I feel that I am bound to express in my place what my conscientious opinions are, for which purpose alone I conceive I was sent into this House. Sir, I am thoroughly satisfied that the time has at length arrived for the Legislature to assume a more resolute attitude, a more peremptory and authoritative tone, than it has hitherto ventured to adopt on this subject, though it has several times been on the point of doing so, but been deterred by the same opponents who are now again marshalling their ranks against State education, under the flag of the voluntary system. Sir, no one feels more profoundly grateful than I do for the noble and long-continued exertions, by public bodies and private individuals, in the cause of voluntary education, and of whose services we have heard so much just and fervent eulogy this evening; but I must say, that I am as completely convinced that their self-imposed task is too much for their strength—they have not educated, and cannot educate the nation. Thinking men of all classes, and of every shade of political and religious opinion, are getting disquieted by the lengthening retrospect of our timidity and vacillation. They fully recognise a crying exigency, and the abortive efforts made to meet it; and feel that longer to continue them—to rely on them alone—will argue a sort of legislative imbecility and even cowardice, unworthy of a country making such pretensions as ours to power and enlightenment. Sir, the voluntary system has done, and is doing, well, and admirably, as far as it can; most ignorant, most presumptuous, and most ungrateful must be he that would attempt to gainsay the fact for a moment. But what I am disposed to say on this matter is—and, as I understood him, with the noble Lord—let the disinterested supporters of the voluntary system continue their Christian efforts, and regard a Christian Legislature in a friendly spirit, as disposed by no means to supersede and extinguish them, but to strengthen their hands by its powerful cooperation, in quarters where, without it, those hands are not able to grapple effectually with popular ignorance. That word "co-operation" contains as I think the pith of the noble Lord's scheme. Neither myself, as a Member of this House, nor the noble Lord opposite, nor the right hon. Baronet below me, nor any one on either side of the House, friendly to the noble Lord's Resolutions, entertains the notion of struggling against the advocates of the voluntary system, but of supplementing their deficiencies—of fighting side by side with them against a potent common enemy. Do not let them for a moment suppose that the State is disposed to discourage them, nor distrust its intentions. Sir, believe me the voluntary and permissive system has failed—is found wanting—is inadequate to the exigencies of the age. Long enough have we invited and besought guests invited to the banquet, but in vain; and at length a voice is heard, "Go out into the highways and hedges, and compel them to come in." Compel? Whom? Why those very classes—those germs, or rather hapless recruits, of our future dangerous classes—at whom the noble Lord's Resolutions are aimed with such a solicitous benevolence. When I talk of compulsion, I do not mean a harsh, legal compulsion, outraging the sanctities of feeling and conscience, but a moral compulsion—an indirect compulsion, coming discreetly in aid of that sort of direct legal compulsion contemplated by the noble Lord's Resolutions, and which I do not think go, in this respect, too far. Sir, I own the noble Lord's statistics the other night, vouching the accuracy of those of the right hon. Baronet below me, startled me, as a Member of the Legislature, and I involuntarily exclaimed within myself, "Something must be done." They disclosed a fearful extent of moral waste, so to speak, in this country; soil totally uncultivated, or cultivated badly, but from which, if only cultivated according to the rules of good moral husbandry, might be obtained such rich, abundant crops of public virtue and happiness. Oh, Sir, let us fix our eyes steadily on this great want of this great age—at this remarkable crisis of national development—and ask, how has this want continued so long, and what will be the consequences of its longer continuance, and even increase? Let us bestir ourselves and look at every individual of these neglected children, with our whole heart's solicitude, as really one of those immortal spirits of which this Christian State is an aggregate, but which it is guiltily deserting; let us realise these considerations, in the depth of our consciences, till they kindle an inextinguishable sense of personal responsibility, impelling to instant and vigorous combined action; and do not let us perch ourselves on points of sectarian difference, and be squabbling about them, while these poor souls are perishing. But, Sir, when the State seems at length roused to something like a sense of its duties—feeling them, indeed, to be correlative with its rights to the services of its members, it is forthwith told, forsooth, that it must not stir a step in that direction—reclaiming this moral waste—because it will overleap or beat down the sacred safeguards of civil and religious liberty. Sir, I do ask the House to look closely at this grand argument, the unsubstantial *substratum* of so much showy opposition, so perseveringly and vehemently urged, and see what a strange paradox it resolves itself into. Our very strength is the source of our weakness! We are so powerful that we are powerless; so very free, that we fall into slavery—slaves to that most pitiless of tyrants over a nation—ignorance, and her ally vice! And must it really go forth among the nations that England is so free that she cannot educate her sons? That where most power is enjoyed by the people, there the very least can be done to guide its exercise into a safe direction, and prevent its being turned into an engine of destruction? Sir, this is not, and cannot be so. Do not let us, in the middle of the nineteenth century, stultify ourselves, and, indeed, assail the very source of our strength and safety, by converting that noble thing—liberty—into that ignoble and dangerous thing—licence, and under the mask of religious liberty conceal the hideous features of irreligious licence, thus libelling the name of freedom. Sir, civil liberty is, in the language of Bishop Butler, "a severe and a restrained thing," and there is incorporated into its essence a recognition of authority. We are perpetually pruning the excrescences of liberty, and limiting the degree and direction of its exercise and action, whenever we deem the safety of the State to require it, and thus we keep our liberties healthy and blooming. See how boldly—it is quite a feature of modern legislation—we interfere, Session after Session, and Parliament after Parliament, with liberties deemed most delicate and transcendant—the liberty of the person, of labour, of property—subjecting all to restrictions which a low degree of civilisation could not tolerate. What, for instance, was the nature of that marvellously bold statute, the Incumbered Estates Act? I could mention many others of a similar character, even with reference to this very matter of education—in the case of factory children and their employers—in which the Legislature has peremptorily enforced its will; and yet, when the noble Lord invites it to aim at the extirpation of a great moral evil—a cancerous disease of the body politic—he is encountered by a fierce cry that he is rashly interfering with the liberty of the subject, and introducing a principle of compulsion. I must repeat that this charge has been used against him in bitter, uncharitable terms, whereas it seems to me that the tone and temper of the speech in which he brought this vast subject before us, demanded that he should be encountered in a far different spirit—one of great respect. The noble Lord does not, after the best consideration I have been able to give his Resolutions, appear to me to contemplate any violation of the true liberty of the subject. Sir, I shall not presume on the indulgence which the House usually accords to a new Member, to say much of what I had intended on this vitally important subject, but I beg leave to add a word or two for the purpose of saying that the House will do but scant justice, nay, very great injustice, to these Resolutions, if it do not look at them as a whole, and as complementary to what has been done, and is doing, voluntarily, in the matter of education. They indicate distinctly the nature and extent of the existing machinery for the purposes of education, and the alterations necessary to enhance its efficiency. Where it is deficient, add to it—where its action is imperfect, correct it—undoubtedly with the greatest possible circumspection; but do not let the noble Lord be found fault with for so doing, for saying boldly, I see great patches of arid soil, of moral waste, which you have not, with all your efforts, yet been able to reach, therefore consider my scheme, and lend me your co-operation. Sir, I am as zealous a friend of voluntary education as any one in the country; I am heart and soul in the cause, for I deem its success of incalculable moment; but I do not believe that the excellent and pious labourers in this vineyard will give up their efforts from pique, or unworthy motives, on the prospect of State co-operation. Sir, one feature of this debate must be cheering to the nation at large, which has constituted us an exponent of its wishes and will, I mean the conviction expressed on all sides, that without religion education is worse than useless—a mockery, a delusion, and a snare. However great may be the difficulty of dealing with the matter viewed in this aspect, I say, let us do something, let us make a beginning. It is the duty of the State to educate—of a Christian State to give Christian education:—

> "In a Christian commonwealth," says that most illustrious ornament this House ever possessed, Edmund Burke, "the Church and the State are one and the same thing, being different integral parts of the same whole. Religion is so far from being out of the province or duty of a Christian magistrate, that it is, and it ought to be, not only his care, but the principal thing in his care; because it is one of the great bonds of human society, and its object the supreme good, the ultimate end and object of man himself."

Well, Sir, if that be so, this Christian State, as it has rights over its subjects, and can command their best services, must also perform its duties; and what so paramount as that of education? And what these Resolutions affirm is, that as no effective system of national education exists, and it is plain none will exist, unless the Legislature interfere, not only has it a right, but it is its bounden duty, to interfere. With reference to the machinery for carrying the proposed Bill into effect, I own I contemplate it with deep anxiety, for many portions of it are open to objection; and as to one in particular, the alienation of the property of charities, I must really appeal to the noble Lord to reconsider it, for I foresee that it will expose him to fierce and implacable resentment and opposition. I do not want to exaggerate or add to the difficulties but too closely environing the noble Lord, of a nature which we all witnessed the other night on the Local Dues Bill; but I beg him to try and discover some other means of effecting his object less sure of kindling intense hostility. I say all this with a full appreciation of the comprehensive caution with which the noble Lord seems to me to have framed his Resolutions. I am very grateful to the House for having listened to me thus far. I can assure it that I feel oppressed, in rising to offer these remarks, after the powerfully argumentative speech of the right hon. Gentleman below me, the Member for Oxfordshire. But I feel compelled to differ from him, and should ill discharge my duty as an honest, independent Member of the Legislature, if I did not act on my convictions, and frankly state the grounds of them. I do hope the noble Lord, with reference to opposition out of doors, will not be alarmed by an ugly array of big words. I hope he will not be fated to realise his own pathetic and picturesque description, in opening his address to us—that he will not dash his bark against those sunken rocks that have wrecked so many noble vessels, whose fragments are floating fearfully around him—but calmly and steadily stand by the helm, and so steer and set his sails as to catch the favourable wind and current of public opinion. Before sitting down, I beseech hon. Members on both sides of the House, however great their admiration of the voluntary system, not to attach an undue significance to the word "compulsion;" that they will consider how anxiously the eye and the heart of England are fixed upon them at this moment, and determine to deal with the great principle now involved, resolutely, and in a high, an Imperial spirit, and recognise in these Resolutions a principle, not of superseding the voluntary system of education, but simply supplementing its deficiencies. The noble task before us is the education of the people of England; and I would conclude in the words with which Lord Coke closes one of the great sections of his *Institutes*,—"Blessed shall he be that layeth the first stone of this building; more blessed that proceeds in it; most of all, that finisheth it, to the glory of God, and the honour of our King and nation!"

Mr. W. EWART said, he was glad to recognise in the hon. and learned Gentleman who had just spoken in such eloquent terms, a friend to education. The hon. and learned Gentleman said he hoped the noble Lord would reconsider that portion of his Resolutions which proposed the application of certain charitable funds to educational purposes. But he (Mr. Ewart) did not consider that the noble Lord's propositions involved any alienation of those funds from the purposes intended by the founders, but rather to restore them to purposes more conformable to the real intentions of the founders, having regard to the altered circumstances of the times in which we lived. He would remind the House of the great benefits that had been derived in that respect from the labours of the Charity Commissioners. This fact was recorded in their Report, just laid before the House, that no less than 836 voluntary applications had been made from charity trustees in different parts of the country, calling upon the Commissioners to interfere, to rescue them from a state of spoliation and to place their foundation on a better footing, in order to carry into effect, according to the notions of modern times, the undoubted intentions of their ancestors. The Commissioners had themselves considered and disposed of 3,000 cases of charities. He thought, that the Resolutions of the noble Lord would afford additional advantages in the same direction. The hon. Member for Northumberland (Mr. Liddell) seemed to think, that in these times our engineers, the labourers in our factories, and similar persons, received from their very occupations and habits of life a kind of passing instruction, which rendered unnecessary a more regular and more intellectual system of instruction. But the hon. Member should recollect, that one of the main features of that system of education was to render the recipients little better than mere practical machines; and that, unless the artizan were educated in the true sense of the word—intellectually and morally—he would become a part of that great system of mechanism in which he constantly moved. The danger of modern times was not that men would become too highly educated, but that they would be mere instruments in working out the great principle of the division of labour. They had arrived at that position in this country in reference to education at which they could not long remain stationary; but at the same time, he thought that if the noble Lord had paused he would have done wisely; he should have waited for public tendencies to develope themslves; before long the people would awake to the necessity of taking the question into consideration. He felt bound to state that as his honest conviction, because, although he might find upon consideration that some, or the majority, of the noble Lord's Resolutions would meet with his hearty concurrence, yet there were others upon which the pulse of the public should have been felt, and there were serious points involved which should not have been ventured upon until they had had a pretty strong indication of public opinion. Notwithstanding that he thought the noble Lord had gone a little too far upon some points, there was little doubt that they must come to an understanding very shortly upon the establishment of an educational rate. He (Mr. Ewart) had, indeed, always been a very strong advocate for establishing a rate for educational purposes. He believed that a rate for education was the real system upon which they ought to base their future operations; that indeed was to some extent a principle in the Resolutions of the noble Lord. Any attempt to suggest a substitution for it, would only amount to an indefinite postponement of a sound national system. He must, however, once more repeat his often-expressed opinion, that an Educational Rate was the grand consummation to which they must come at last. At present they were paying out of the Exchequer enormous sums for the support of education, and the establishment of an educational rate would be a simple mode of transferring the application of these sums from the general system of the country to the local system, whereby it would be rendered responsible to local influences. At present the system by which the public money was expended for the purposes of education was so complex, that the very officers of the Committee of Council of Education did not understand it. It was an involved, intricate, elaborate system, wanting the simplicity of a general principle; reminding him of Milton's description of the celestial system—

> "With centric and eccentric scribbled o'er
> Cycle on epicycle, orb on orb."

With a rating system, he did not despair of uniting a system of centralised control which should not at all interfere with educational liberty; he conceived that it was perfectly possible to combine a rating system with one of administration which should be under the direct control of that House. He had always been an advocate for establishing a Minister of Education, who should make to the House and the country an annual Report on Education. Indeed he had sixteen years ago made a Motion on this subject; and the Ministry had, to a certain extent, adopted the suggestion. Such an addition to our educational system would combine perfect freedom of education with the principle of rating, and responsibility to Parliament—and these he looked upon as the three great *desiderata*. He observed that a noble Lord in the other House, the Lord President of the Council, had introduced a Bill providing for a system of rating in connection with this subject, which would, no doubt, in due time, come down to that House. It was simply a permissive Bill. It, perhaps, was very right to begin with a permissive measure, but he (Mr. Ewart) believed that they would eventually conclude with a system similar in its character to that of the United States, and which existed, in principle, in Scotland. In both countries that system had been distinguished by marked success. It was the genuine offspring of well-regulated freedom. The noble Lord (Lord J. Russell) had been attacked for his proposal of a division of the country into educational districts, and for the introduction of a system of inspectorship. He (Mr. Ewart) could only say, that he knew of no possible means of reforming the present educational system of the country, unless they did divide it into educational districts. How were they to arrive at the due proportionment of the means of education to the persons to be educated except by such means. Instead, therefore, of blaming the noble Lord for his proposal, he thought he was deserving of praise. The extension of the system of Inspection was proposed to enable them to arrive at a knowledge of the existing Educational wants of the country. Nor could the noble Lord be justly condemned for the introduction, to a certain extent, of a system of compulsion into his scheme. Direct compulsion never could be introduced into this country; but they had already introduced an indirect system of compulsion. Factory owners were obliged to send their children to school, and to produce a certificate of their education. Why should the people employed in factories be subject to this compulsion while the workmen in other departments of human labour were exempt? It appeared, then, to follow as a natural conclusion, that if they adopted this indirect species of compulsion in the one case, they might in the other; and although it might possibly be difficult to apply the principle in the agricultural districts, yet he thought it might be done, not by taking them from their employment at particular hours in the day, but by arranging that children should be sent to school for certain days of the week, and to labour for certain other days. The public exigencies required that some improvement in education should take place. For the sake of the children themselves the Legislature ought to protect them from the cupidity of the employer on the one hand, or of the parent on the other. With reference to the question of religion, it was quite impossible to look at the subject in any other light than one. The object and scope of all education was to make the people more religious, but there were many different opinions as to the best method of doing so. He did not hesitate to say that his opinion was, that, while in school the master was the best teacher of secular matters; the clergy of the various denominations were the best teachers of religious matters, and that to them should be given the direction of the religious instruction in national schools; provision being made that no child should be without ample religious instruction from the spiritual teacher of its own, or of some religious creed. That was a far better and more religious plan than allowing the schoolmaster to make a task of scripture, or to indulge in theological disquisitions which might play around the heads of the children, but which could never touch their hearts. On this important point agreement would finally be attained. Time alone would show their present difficulties. He repeated that he thought it would have been safer if the noble Lord had paid more regard to the influence of time, and had waited. But he cordially supported him in most of his principles. The question could not remain long in inaction and obscurity. The wants of the nation were pressing. Its existing educational state was disgraceful to us all. If a country like this consented to remain as we are, it would deserve (if he might borrow a phrase from the prose works of Milton) to remain "eternally benighted."

LORD ROBERT CECIL said, the main argument of his hon. Friend the Member for North Staffordshire (Mr. Adderley) on behalf of local rating was, that it called into play that tendency to local self-government which was eminently characteristic of this country; but the object first to be consulted was, how education could be best imparted to the people. If they were bound to regard not only the direct but the subordinate effects which were sure to follow from the imposition of a local rate, not the least important of these was, that it would be pretty certain to dry up the whole current of voluntary contributions. It would be difficult to mention a single institution in all England which, having been once charged upon a local rate, ever afterwards received the slightest assistance from the spontaneous subscriptions of the benevolent. It was not in words to say how much love of country, how much good feeling and practical humanity, would be stifled throughout the country by a local rate. Another argument against it, which he had never heard answered, was based on the manifest injustice of imposing a local rate for national purposes. It was a favourite saying that education was a national duty. If so, it was a duty that ought to be discharged by the whole nation. But those on whom the proposed rate would fall could not be so regarded. They were but a part of the nation. It had been calculated that the sum of sixpence in the pound on the rateable property of the country would produce £2,000,000, the estimated amount required for the Education rate. A similar impost on the funded property would yield £700,000. But the funded property was to be held exempt—wherefore he had never been able to understand. Our mines, again, were generally supposed to furnish a fair proportion to the ignorance of the nation. Why, then, should mines be exempted from contributing to the education of the people? It was to be feared that with much moral depravity there was also not a little mental darkness in the seaports; yet shipping also was to be excused from the tax. So, too, were the mighty commerce and the prodigious wealth of London. In fact, more than one-half of the property of the nation was to be excused from a tax which had nothing on earth to recommend it except that its purposes were national. Could there be greater inconsistency? If the whole of the nation was to benefit, let the whole of the nation pay; otherwise there would be a fatal taint of injustice on their entire system. Indignantly repudiating the charge of desiring to keep the country in ignorance, he would sanction any assistance that might be found necessary, so that it was given from the Treasury and paid alike by all; but he would never cease to protest against the idea of charging one portion of the national property—and that the smallest—with burdens from which, in common justice, none should be excepted. Another feature in this question which did not appear to have attracted attention was, that the liability of ratepayers to build schools would probably have to be accompanied with a power to compel the attendance of children. The State, having entered into a compact with the rate-payers, would be bound to take care that their money was not wasted, and that could only be effected by obliging the children—at whatever cost to their parents—to frequent the schools. The injustice of such a proceeding was palpable. £3,000,000 or £4,000,000 sterling represented the annual value of the wages earned by the children of the poor, and precisely to that amount did they propose to tax the working men of this country on behalf of education. Suppose a labouring man had 12*s.* a week, of which two children earned 4*s.* a week, by sending them to school he would lose one-third of his income. That was a point that had scarcely obtained, either from the newspapers or from Parliament, as much notice as its importance merited. If they were to compel the fundholders to contribute £9,000,000, which would be only one-third of their income, the subscription would amply satisfy the requirements of national education; but there was no man in that House so insane as to make such a proposal. Yet the noble Lord (Lord John Russell) would not hesitate to inflict an exactly similar burden on the starving operative classes of this country. The time might come when compulsory education would be a necessity of the State, but when that period arrived it would be difficult to evade the claim of poor parents to be compensated for the loss of their children's wages. There was, however, a far more formidable objection to the plan. So soon as a rate was proposed the religious difficulty would have to be encountered. Keeping clear of a rate, we should keep clear of that difficulty. The present system was simple enough. The people had a strong conviction of the importance of religion, and each man wished to educate his children in his own religious belief, and the whole of it. But the moment that simple system was departed from we should get into inextricable difficulties. The solution suggested by the Manchester school was simple enough—secular education. But, then, all classes concurred in denouncing it. Another solution was the suggestion that the children in our schools should be educated in the "grounds of our common Christianity," in those points of belief on which all Christians were agreed. But however plausible that expression might sound, he had never yet heard what were those articles of religion on which all classes of Christians were agreed. He defied any person to name one single article (beyond the existence of God) in which all who called themselves Christians were agreed. Consequently that solution was an absolute delusion. Then others proposed as a solution the reading of the Scriptures. But the answer to that was, that there had been a just complaint that the British and Foreign School Society, which had been instituted for the express purpose of teaching upon the "common ground" of Scripture without regard to distinctive religious differences, had so selected their Scripture lessons that only Trinitarian doctrines were inculcated. Against their system that was a just objection, for it showed an inconsistency, and it proved this, that the teacher who had the power of reading what portions of Scripture he pleased, would practically have the power of teaching distinctive doctrines, for there would be no difficulty with such a power of selection, to inculcate any doctrine from Scripture. Then there was the solution of the right hon. Gentleman (Sir J. Pakington), which was that a distinctive form of religious belief should be taught in the schools, but that all children whose parents objected might be withdrawn from it and placed under some other religious instruction. Now, his (Lord R. Cecil's) objection to that was, that it would lead, not to error, but to absolute infidelity. If the poor saw different forms of religious belief alike allowed to be taught under the sanction of the State, they would naturally think that all forms of religious belief were really regarded by their rulers with indifference, and that the matter was merely one of policy and expediency; and he could conceive nothing more likely to lead them to infidelity. The Committee had no idea of the extent to which different religious sects were already mixed up in our schools. In the National School at Merthyr Tydvil he found, from the Report of the Inspector, that there was the following variety:—

Church of England...	5
Baptists	29
Independents	37
Methodists	4
Reformers	1
Unitarians	3
Mormonites...	13
No religion at all	20

How was such a system to work, when the poor saw one form of religious belief after another withdrawn because objected to by one parent or another, until none was left at all? The natural conclusion would be that their rulers regarded all forms of religion as equally worthless. He objected to the proposed Resolutions upon those grounds —because they rested on an unjust system of taxation; because they led inevitably to a system of compulsory education; because the result must be to tamper with the very principle of religious belief, and not only to lead the people into error but to render them incapable of any solid or settled belief at all.

Mr. MONCKTON MILNES said, he thought that the hon. and learned Member for Midhurst (Mr. Warren) had fitly described the difficulties which beset this question in a speech not unworthy of his literary fame. It was much to be desired that hon. Members would approach this subject in a more humble and modest spirit, and with a little less confidence in their own predictions as to the probable effects of this measure, than had been displayed by some who had preceded him. The question before them was one with which they must be satisfied to deal tentatively and experimentally. The peculiar habits of thought and political traditions of other nations—their form of Government and their national character—rendered their educational system very unsafe guides to be followed by this country. The only exception to this was presented by the United States, the people of which, although living under institutions somewhat different from ours, were yet marked by the same independence of spirit, tempered by obedience to authority, which constituted the greatness of the British name. Those who said in an invidious sense that the American system of education was purely secular committed a grave error, because, in truth, the people of the United States had gradually separated the religious element from the secular, mainly in order that the former might receive more careful attention; and certainly no nation in the world was possessed of more profound religious convictions or was more actuated by religious principle than our Transatlantic kinsmen. Yet, though he allowed that the circumstances of the United States were not the same as our own, he thought that here, too, we should take a practical and not a theoretical view of the subject. How we could best educate a people was a very complex problem. No machinery or set of appliances would enable us to calculate on obtaining a definite and fixed result. So manifold were the counteracting causes, baffling the wisdom of man to control them, that we could only hope by dint of all our exertions to realise our expectations of any scheme approximately. Therefore, the Resolutions of the noble Lord (Lord J. Russell) embodied a deep philanthropic truth, seeking as they did to develop and expand, in a cautious and moderate spirit, the germs of the existing system. To listen to the representations of the scope of the plan given in the speeches delivered that night, any one would imagine that it contemplated the most revolutionary, despotic, and fantastical objects that ever entered the brain of the wildest theorist. It was not true that it proposed to establish a compulsory educational assessment; it merely invested in the inhabitants of any district where the means of instruction were reported by a Government Inspector to be notoriously deficient a permissive power to impose a rate on themselves if they saw fit. Surely nothing could be more mild and inoffensive than that. It was greatly to be regretted that the Manchester and Salford project had not been legalised, seeing that such an experiment, even though partial, must have thrown valuable light on the solution of the more general question, and also set an excellent example to the rest of the country. The Committee had been told by the noble Lord who had last addressed them, that it would be impossible to impart religious knowledge to the scholars if dissentient parents had the option of removing their children when such instruction was being communicated to the rest of the pupils. The noble Lord, however, was apparently not aware of the working of existing schools where the experiment had been tried on a large scale, which wholly discountenanced that apprehension; for it was found, that when the religious instruction was short and reasonable—for example, when it consisted of a well-selected part of the simple but sublime formularies of the Church of England—the proportion of children withdrawn while that instruction was going on was quite infinitesimal. That remark particularly applied to the great school at Birmingham, of which the Bishop of Manchester was the head, and in reference to the success of which that right rev. Prelate once exclaimed in his hearing, "Oh, how I wish that the gentlemen who talk of the difficulties of this question could see how those difficulties vanish when once they are fairly and manfully faced!" He could wish that the opponents of these Resolutions were a little more accurate in their calculations. The wild way in which figures were quoted in that House on the subject would prevent a serious man from entering on the question at all. It was preposterous to assert that the proposed rate would lead to a greater burden than the poor rate. If it were so, Parliament would, without doubt, interfere to check it. The right hon. Gentleman (Mr. Henley) seemed to anticipate great evils from the system of inspection proposed by the first of the noble Lord's Resolutions. That evil had resulted from this system had not been the experience either of himself (Mr. Milnes) or of any person with whom he had conversed upon the subject. The schools of the country had eagerly placed themselves under inspection, and uniformly with good results. With him one consideration superseded all others. The question before the Committee was not whether certain classes should be well or ill educated, but whether a considerable portion of the childhood of this country should be educated at all. The number of children who could neither read nor write was so large as of itself to deserve the attention of that House. In a country where there was no political freedom, as in Russia, there might be large numbers of people who did not care to be able to read or write, but in England such could not be the case. In all social difficulties, the only really formidable danger arose from an organised ignorance. It was the improvement of the education of Europe which led to the difference between the Revolutions of 1848 and those of 1792; and upon the education of the people it depended whether or not the future of this country was to be peaceable and prosperous. If a rate were to be levied, he would limit its application solely to purposes of primary education. He had no desire that some people should be taxed to make others literary or accomplished; but, if there were in any class a large amount of absolute ignorance, it was for the safety of the community that that evil should be removed by the best possible means. He should vote for the Resolutions of his noble Friend, because he thought them honest, just, and moderate; because he did not believe in the extravagant deductions which had been drawn from them, or the frightful consequences to which it was supposed they would lead; and because he believed that hitherto the action of the present system had been beneficial to the country. When hon. Gentlemen or when writers upon this subject asserted that the present state of education in this country was good enough, they ought to look back and see whether, without the action of State interference, and without the measures which had been brought forward by his noble Friend (Lord J. Russell), they would have been justified in making such an assertion, and also whether the present state of education did not prove the wisdom of that moderate interference on the part of the State of which the noble Lord might in some degree be considered the representative?

Sir JAMES GRAHAM: Sir, I am happy to sit at the feet of a political Gamaliel and most willing to take lessons in humility, whether enforced by precept or by example. I shall endeavour to be modest and accurate in any statistics into which I may enter in the course of my observations; and before I sit down it will be my duty to comment upon the suggestion of "short and reasonable religious instruction"—reasonably short was probably meant—as tendered by my hon. Friend the Member for Pontefract (Mr. M. Milnes). I shall endeavour to show that this short species of instruction is not consistent with the voluntary teaching of religious sects, now, as I contend, productive of so much advantage to the country; nor will it be permanently consistent with either the political or religious interests of this nation. In the first place, Sir, I may congratulate the Committee that this cannot possibly be regarded as a party question. It is a matter in which, now that peace has happily been restored, the people of this country take a deeper interest than they feel in any other question which can be discussed. It is a question on which a mistake on the part of this House would be most fatal to the interests of the nation, and we shall, therefore, in my opinion, best meet the wishes of our constituents by discussing it with gravity and calmness. I am therefore glad that this question is devoid of party character. I am also glad to address the House before Her Majesty's Government are committed to the line they mean to take with reference to these Resolutions. I hope they will consider attentively the debate which will take place, will ponder well the occasion on which these Resolutions are presented, and will deliberate carefully and seriously before they give to them their official support. There is one point on which I readily agree with my hon. Friend the Member for Pontefract. I have not the pleasure of being acquainted with the hon. and learned Member for Midhurst (Mr. Warren); but, with every Gentleman in this House—I had almost said in the country—I had formed a high opinion of his abilities and his genius, and I sincerely congratulate him on the certainty that his first appearance in this House will sustain the reputation which he had previously earned. I cannot agree, however, with all that has fallen from him. I have already expressed my opinion of the vast importance of the voluntary efforts of the Dissenters, and I was somewhat surprised at the conclusion at which the hon. and learned Gentleman arrived, that in supporting these Resolutions he was not about to interfere with these efforts. According to the judgment I have formed, the adoption of these Resolutions will be absolutely and fundamentally fatal to them. The hon. and learned Gentleman also used an expression which showed the extent to which he is prepared to go in the adoption of the whole of these Resolutions. He said he was prepared to compel the children of this country to attend schools, and that after all it is merely a "moral compulsion" that he would exercise; but the great objection I take to the Resolutions is that they do not contemplate moral suasion or inducement, but legal compulsion directly operating both upon the employers of labour and the employed. The hon. and learned Gentleman also expressed his regret that England, with her free institutions, could not educate her people. I am prepared to show that in consequence of those free institutions England is able to educate her people, and to educate them successfully, and my main objection to the Resolutions is that they are contrary to the principles of liberty, and that they will, in my opinion, most materially impede the progress of education. Again the hon. and learned Gentleman compared the state of things which has induced the noble Lord to propose these Resolutions with the necessity which led to exceptional legislation for Ireland, and he referred to the Incumbered Estates Act as an example to be followed, with reference to education, in this country. Sir, I altogether deny the example, and I am not prepared to believe that we have arrived at such a state of things with reference to education in England as led to the passing of the Incumbered Estates Act for Ireland. The hon. and learned Gentleman says—and says truly—that these Resolutions must be regarded as a whole, and the hon. Member for Pontefract (Mr. M. Milnes) has talked of the gradual and "tentative" development of the principle of progressive legislation on the subject of education which the Resolutions involve. I contend, on the other hand, that, far from involving a tentative process, the Resolutions contemplate a bold and, as it appears to me, a most headlong step in advance.

I wish to speak, Sir, with respect—with unfeigned respect—of my noble Friend the Member for the City of London. I cannot forget—history will remember—what have been the efforts, the successful efforts, of my noble Friend in the improved legislation of this country, and especially in the cause of civil and religious freedom. It cannot be forgotten that we owe mainly to him the repeal of the Test and Corporation Acts. I remember, also, his services with reference to the emancipation of the Catholics. I remember the extinction of tithe, both in England and Ireland, by means of compulsory commutation. I remember the prominent share he took in the Amendment of the Poor Law. I remember his introduction of a Poor Law into Ireland. I remember the constant support which he gave to the system of national education in Ireland—a benefit not less than any which the Legislature ever conferred upon that country; and yesterday I saw with pride and satisfaction my noble Friend, though stripped of official authority and power, doing battle in his accustomed place in the foremost rank in defence of the great principle of civil and religious liberty—that no difference of creed should operate as an exclusion from the fullest and freest enjoyments of equal rights and privileges on the part of any citizens of this country so long as liberty remains in this happy land. These are some, but only a few, of the services which have been rendered by my noble Friend. I feel them deeply; I shall never forget them; and yet I must state fearlessly that I differ with him in opinion as to the course he recommends the Committee to adopt on this subject. I will preface what I have to say with the observation, that we are now called upon to discuss the question of education in England. The question we are discussing must be kept entirely distinct from the question of education in Scotland and in Ireland. The circumstances of England differ entirely with respect to this subject from the circumstances either of Scotland or of Ireland. Here, unhappily, we are divided, with reference to religion, into sects almost innumerable. In Scotland nine-tenths of the people are united in their creed; they may differ as to discipline; but the *Shorter Catechism* of the Presbyterians is adopted by nine-tenths of the population of that country. That single circumstance affords facilities with reference to legislation as bearing upon education in Scotland, which are altogether wanting in England. Then, again, with respect to Ireland, the circumstances there differ altogether from those of England. In three of the provinces of Ireland the Roman Catholics form so great and overwhelming a majority that they may be said to constitute the population of those provinces. In the northern province, Ulster, there is a numerical division between the Presbyterians and the Catholics very nearly approaching to equality, but generally speaking, throughout the four provinces the members of the Established Church constitute the small minority. It would be wrong on my part to carry the discussion of this point further than I have now ventured to do, in glancing at the differences between England, Scotland, and Ireland; but I wish it to be understood that in arguing this question we are dealing only with the case of England. I must also, in the absence of all party considerations, pray from the Committee an indulgence to give my opinion upon this subject with all the freedom with which I should give it were I in a Committee upstairs or at the Council table elsewhere. I think the circumstances of the case are such as to demand that free expression of opinion.

I object, Sir, in the first place, to the form of this proceeding. It is not usual in Parliament, and I think it inexpedient as an example. The course we are invited to take is exactly the reverse of that pursued with reference to a Bill. We begin with various details and we end with principles, and the jumble of details and principles is such as to produce the greatest possible confusion, and to involve the risk of being led into false and dangerous positions. The course pursued in the case of a Bill is exactly opposite. We then begin with principles; the details are accurately arranged, and are not mingled with principles. The first decision is taken upon the second reading of the Bill, when the House determines whether it will or will not adopt the principle, and then in Committee we consider the details. Now, we are to-night invited to begin with a series of Resolutions, commencing with details and ending with principles, the details involving the assertion of the principles with which the Resolutions conclude. I object altogether to that course. Some of the Resolutions I consider are superfluous, because without legislation, and by the authority of the Executive, the object sought might be at once attained, and that very circumstance excites suspicion and gives rise to the question why, being superfluous, we are asked to affirm these Resolutions? Other Resolutions involve principles with respect to which legislation is obviously required, but by the course proposed all the safeguards which ought to attend such legislation are avoided, and if we adopt these Resolutions we shall pronounce an irrevocable opinion upon principles which should be set forth and developed in a Bill, or possibly in more than one Bill. If, then, we follow the course now proposed, we shall lose the advantage of those Parliamentary usages and practices to which I attach the utmost importance. I am far from negativing, or wishing to appear to negative, the necessity of legislation bearing upon education. I am decidedly of opinion with the hon. Member for North Staffordshire (Mr. Adderley) that, with regard to the question of reformatories, as bearing upon prison discipline, and the crimes of that juvenile population which by proper educational treatment is within the reach of early reform, the time has arrived when, at the expense of the State, subject to legislative control, direct aid should be given to such institutions. Neither, Sir, am I at all prepared to say that the Charitable Trusts Commissioners may not, after mature deliberation, produce the draught of a Bill which they may call upon us to sanction with due regard to the rights of property and to the principles of equity, and which would deal with charitable funds that from desuetude are no longer applicable to the purposes for which they were granted, or that are applied to purposes no longer consonant with the habits of the people of this country. The utmost caution is, however, requisite in dealing with such a subject. To attempt to deal with it without legislation would be a course productive of no advantage; and remembering that my noble Friend the Member for London is now, I believe, at the head of that Commission—[Lord J. Russell: I am only a Member of the Commission.] My noble Friend says he is only a Member of the Commission; I shall gladly await any measure they may recommend with the most respectful intention of availing myself of their recommendation, and with the sincere desire that it may be passed into law, even, if it be possible, in the course of the present Session. I had the honour myself some time since of proposing to this House a measure which received their approbation with respect to the education of pauper children confined in workhouses. I was desirous that central schools of a better kind than those which could be provided in the separate Union workhouses should be established. There is, however, an enactment with respect to the limits of approximation between the different Unions that does seriously diminish the utility of the measure, which, I think, would be most salutary and highly conducive to the better education of a most important portion of the younger poor; and I should gladly give my attention to the reconsideration of this subject.

But now, with the permission of the Committee, I should wish very shortly to pass in review these Resolutions. I will do so in the most summary manner, and, before considering them as a whole, will deal with them *seriatim,* and point out what is the view I take with respect to each. The first is,—

> "That, in the opinion of this House, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education."

I cannot deny that it is expedient to "revise" and "consolidate" these Minutes. My belief is, that much of that revision and consolidation has already taken place, for, as has been stated this evening, those Orders in Council which used to be scattered over twenty volumes, are now collected in one. But the important word here is "extend." We have now a Minister of Education, and it is proposed that we should have a second. The Minister of Education is one of the Cabinet and confidential servants of the Crown. If, in the opinion of the confidential servants of the Crown, an extension of the Orders in Council would be salutary and advisable, that extension, even in the Estimates as they now exist, can be effected. Or, if the Executive Government think it desirable, they may bring down a Supplementary Estimate, and, on their responsibility, suggest such an extension as they may deem fit. But I contend that, to dictate to the Executive by a Resolution of this House, what they shall do in that respect, to relieve the confidential advisers of the Crown from that responsibility which fairly attaches to them, would be neither constitutional nor expedient. The next Resolution is—

> "That it is expedient to add to the present Inspectors of Church schools eighty sub-inspectors, and to divide England and Wales into eighty divisions, for the purposes of Education."

I shall not dwell upon this Resolution at any length, because, as yet, we have not heard any answer to the comments of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) upon it. I know not why eighty is the number selected either for the Inspectors or for the school divisions. Again, that arrangement is quite within the province of the Committee of Education. They can appoint any number of Inspectors which they think fit, and they may call upon this House to furnish the means, in Committee of Supply, of defraying the expenses. The discussion of that Vote would lead the Committee in a legitimate manner to the consideration of details, and would bring its salutary constitutional control into play in a way the most unobjectionable. To forestall such a discussion by a Resolution of this kind is both unusual and inexpedient. The same observation applies in all its force to the third Resolution. Then we come to the fourth Resolution, which states—

> "That, on the Report of the Inspectors and Sub-Inspectors, the Committee of Privy Council should have power to form in each division School Districts, consisting of single or united parishes or parts of parishes."

Here is an abolition of the parochial boundaries. There is no recognition even of the Union boundaries, but some new boundary is for the first time to be constituted for the particular purpose of education. No safeguards, no limitations, are brought forward. That is obviously a matter for which legislative interposition is necessary, and, before I pledge myself to the adoption of this Resolution, I claim the advantage of seeing some safeguards and limitations set forth and specified. The next Resolution is—

> "That, the Sub-Inspectors of Schools of each Division should be instructed to report on the available means for the Education of the poor in each School District."

Without these new sub-divisions it is the duty of the Inspectors, under the guidance of the Committee on Education, to make such inquiries and to present such reports. [Lord J. Russell dissented.] Well then, if that has not been done let the noble Lord introduce his Bill—let him produce his enactment—let him prove its necessity—and I do not believe this House will allow any difficulty to stand in the way of the passing of such a measure. The sixth Resolution I will pass by; it is that which has given rise to a considerable portion of this debate; it is that which relates to the Commissioners of Charitable Trusts, and deals with funds "now useless or injurious to the community." How it found its way into these Resolutions I cannot imagine. It is not very germane to the matter, though in itself important enough to deserve being embodied in a separate measure. We then come to the seventh Resolution:—

> "That it is expedient that in any School District where the means of Education arising from endowment, subscription, grants and school pence shall be found deficient, and shall be declared to be so by the Committee of Privy Council for Education, the Ratepayers should have the power of taxing themselves for the erection and maintenance of a School or Schools."

Now, under the words of this Resolution, if sanctioned by the Committee, the taxing power—or, at all events, the veto upon it—is really vested in a branch of the Executive Government, the Committee of Privy Council for Education. Moreover, a majority of the ratepayers may tax a minority, inferior to them only by one, and thus we are landed by this Resolution, in all the evils which have been said to attach to the present church rate. The eighth Resolution is—

> "That, after the 1st of January, 1858, when any School District shall have been declared to be deficient in adequate means for the Education of the poor, the Quarter Sessions of the Peace for the County, City, or Borough should have power to impose a School Rate."

Now, I have read that Resolution over twenty times, and I cannot make up my mind whether it is intended that the quarter sessions should exercise a ministerial authority or a discretionary power; but, whichever it be, I am sure that the power in question, whether ministerial or discretionary, could not be vested in any body less suited for the functions to be performed, or in any body which, as matters now stand, would more strongly excite jealousy in the minds of the people. Even the right hon. Baronet the Member for Droitwich (Sir J. Pakington) himself, I believe, a chairman of quarter sessions with large experience—objects altogether to the vesting of this power in quarter sessions, and is about to move an Amendment that it should be placed in the hands of the Committee on Education. As the Resolution stands at present, in 1858 we are asked, not in the tentative mode suggested by the hon. Member for Pontefract (Mr. M. Milnes), but in a rash and headlong manner, without experience, without the slightest knowledge of how the optional power of rating will be exercised by the people—to fix definitely that after the 1st of January of that year there shall be a compulsory rate for education, if the Committee of Privy Council shall be so minded, throughout England and Wales. A more rash and ill-considered proposal I never heard. We then come to the ninth Resolution:—

> "That, where a School Rate is imposed, a School Committee, elected by the Ratepayers, should appoint the Schoolmasters and Mistresses, and make regulations for the management of the Schools."

Now, all those who have attended to the question of education are, I believe, agreed on this axiom, that the master or mistress of a school is the school itself. If you give to a bare majority of the ratepayers the power of choosing the schoolmaster or schoolmistress, and also the power of making the regulations, that bare majority, however constituted—with all its differences of religious creed—will choose a master or mistress of its own creed, and make the regulations with respect to instruction in conformity with its own opinions; and, when the master or mistress shall be so appointed and the rules and regulations so prepared, I think that even the short experience which will be acquired between the present time and 1858, when the rate shall be imposed—voluntarily, if you please—by a bare majority of the ratepayers, will teach this House that it came to a rash decision when it decided that throughout England and Wales such powers should be placed in such hands. The tenth Resolution states,

> "That in every School supported in whole or in part by rates, a portion of the Holy Scriptures should be read daily in the School" (which I suppose, is the "short and reasonable religious lesson" referred to by the hon. Member for Pontefract) "and such other provision should be made for religious instruction as the School Committee may think fit; but that no child should be compelled to receive any religious instruction, or attend any religious worship to which his or her parents or guardians shall on conscientious grounds object."

Now, here is enjoined the reading of the Holy Scriptures daily in the schools, that short and reasonable lesson to which my hon. Friend the Member for Pontefract attaches so much importance. But the wording of that tenth Resolution is so ambiguous that I cannot ascertain whether the reading daily in the school a portion of the Bible shall be invariably a part of the school lessons, or whether it is to be a part of the religious teaching. If it be a part of the school lessons, why then it is that general religious instruction to which the noble Lord the Member for Stamford (Lord R. Cecil) took so much objection, and, I think, not unreasonably; while, if it be not a part of the school lessons, then, whatever may be said to the contrary, we are landed in secular instruction. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) at a very early period laid down an axiom on this subject which is irresistibly true. I quite agree with him, that if you come to a compulsory rate no other scheme of education except secular instruction is possible in England. The more you argue it, the more clearly that proposition may be demonstrated. Any attempt to teach religion, under a compulsory system, as supplementary to secular instruction—and that is what is proposed in these Resolutions—will assuredly end in disappointment and failure. It will give you the appearance without the reality; it will lead to all the evils of the secular system without any of its advantages; no peace—no contentment—will be produced by it; and I believe that, as regards the religious and moral principles of the people, you had better at once go the length of purely secular instruction than sanction by your adoption any such doubtful dangerous expedient. Next comes the eleventh Resolution—

> "That employers of children and young persons between nine and fifteen years of age should be required to furnish certificates half-yearly of the attendance of such children and young persons at School, and to pay for such instruction."

Now, Sir, I have heard legal arguments as to the effect of the word "may"—I have my own opinion as to the effect of the word "might"—but never did I hear the word "should" used so frequently or so indefinitely as in these Resolutions. Whether it is meant to be imperative or permissive I really have not been able to make up my mind. If it be imperative, then Sir Robert Walpole's proposition to introduce the Excise into private houses is a mere joke to this proposal of the noble Lord. To ascertain whether every ploughboy has been to school, you will have to visit every farmer's house in the country; you will have to call on every farmer to account for the schooling of his ploughboys. The interference will be constant, irritative, and provoking to the last degree, and if you studied to make education odious throughout the land you could not choose a provision better calculated to have that effect than this. Then, as to the encouragement to be given to the instruction of young persons between twelve and fifteen years of age "by prizes, by diminution of school fees, by libraries, by evening schools, and by other methods"—which last certainly is a most sweeping phrase, and one to which we are asked to assent without having the least idea of what it means—I can only say that to any definite proposal of this kind I can see no possible objection. I conceive it to be the duty of the Council of Education, under the present arrangement, and by means of the Votes which they at present distribute, and which this House would readily increase were it necessary, to favour any such extension of education to the utmost of their power. This last Resolution, therefore, I look upon as being, like the first, entirely superfluous.

But, now, although the hon. and learned Gentleman the Member for Midhurst (Mr. Warren) begged that we would not come to close quarters with statistics to-night, that we would deal only with principles, and that we would not advert to any statistical information; and though my hon. Friend the Member for Pontefract (Mr. M. Milnes) recommended me to be modest and humble, and not too confident in the use of figures; yet still truth is valuable, and truth can only be ascertained by reference to statistics. [Sir J. Pakington: Hear, hear!] My right hon. Friend the Member for Droitwich cheers that observation—he will have the opportunity of following me and of combatting the statistics which I shall quote. To the best of my knowledge I shall be accurate, and I shall give the authorities for my statistics. Those statistics, and many of the arguments which it will be my duty to advance are not my own. Something disparaging has been said with regard to pamphlets. For my own part, I confess that I could not have investigated this subject satisfactorily to my own mind, and I certainly could not have arrived at what are now my strong convictions, without the aid of two pamphlets which have appeared within the last week, and which really appear to me to be so important that I do not think any Member of this House ought to vote upon this subject who has not the advantage of weighing and considering the facts and arguments contained in them. Pamphleteers, indeed! I well remember the honoured father of one of those pamphleteers. He had a seat in this House, having risen to eminence by his honest industry, and represented in this House the important town in which he was born and bred. I allude to Mr. Baines. His son is on the Treasury bench; he is one of the confidential servants of Her Majesty; he has been tried and not found wanting in this Assembly; and he has discharged with ability, and with universal approbation, very arduous and responsible functions. We know his merit, and respect him; and his brother is a man of equal ability and is not less worthy of our attention. The other pamphleteer is Mr. Unwin, and a more able pamphlet than his I will undertake to say never issued from the press. I am sure there could be none more worthy of our consideration. Those two together contain arguments and statements of facts which to my mind, after duly and calmly weighing them, are irresistible, and which have brought me to the conclusion which, with pain and regret, I have adopted in reference to the vote which I shall give on these Resolutions. I, therefore, do not pretend to any novelty in arguments, much less to novelty in facts. They have been brought before the House already—they remain uncontroverted, and I believe them to be incontrovertible. My first objection, Sir, to this proposal is, that it is unnecessary. I contend, in the strongest manner, that there is no country in Europe in which the progress of education, within the last twenty-five years, has been so rapid and so satisfactory as it has in England. My hon. Friend the Member for Pontefract made an allusion to the year 1848. Austria stands high in education—Prussia stands high in education. What were the scenes in Vienna? What were the scenes in Berlin in 1848? And what was the happy contrast presented to them by uneducated England, or educated if you will, by the voluntary principle only, as I hope she long will continue to be? I have said that the numbers of schools are rapidly and progressively increasing in this country; and let me call your attention now to the facts which have not, as I contend, been answered, which are drawn from sources which I believe to be pure and undoubted, and which it will be for my right hon. Friend the Member for Droitwich, if he does me the honour to follow me, to controvert if he can. The day scholars in England, in the year 1818, were 674,000—I pass over the minor number—or 1 in 17 of the population; in 1833 they were 1,276,000, or 1 in 11 of the population; in 1851 they were 2,144,000, or 1 in 8 of the population. The Sunday scholars, in 1818, were 477,000, or 1 in 24 of the population; in 1833 they were 1,548,000, or 1 in 9; in 1851, 2,407,000, or 1 in 7. I will now read to you shortly what is the state of education under the continental system, with the most rigid Government interference. You will recollect that the day scholars, in 1851, were 1 in 8, and the Sunday scholars 1 in 7 of the population; and my belief is, though I have no facts to establish that belief, that in the last four years the advancement has been quite as rapid and progressive as at any other time. In Prussia, where the enforcement is most stringent, the proportion of scholars is 1 in 6 of the population; in Holland 1 in 7, in Bavaria 1 in 8, in Austria 1 in 10, in France 1 in 10, in Belgium 1 in 10, in Sweden 1 in 11, so that this despised and maligned England, with her voluntary principle of education, is equal to all the States where education is undertaken by the Government, with one exception only. The number of teachers in day schools in England, according to the Census of 1851, was 94,878, and of Sunday school teachers 318,155; so that the total number of the teachers of the youth of England in the year was 413,033, being 1 in 43 of the whole population, or one teacher for every ten children of school age in the country. And yet the right hon. Baronet the Member for Droitwich says, in his able speech last Session, "We cannot go on as we are;"—"the voluntary system has broken down;"—"it is harassing and vexatious, as Mr. Kennedy says, and the only legitimate mode in which you can provide education for the people is by calling on the people to provide a rate for it." That is the germ of the compulsory principle proposed to us last year by the right hon. Baronet the Member for Droitwich, suggested, as I believe, by the Privy Council Inspectors, and adopted, I should say, somewhat hastily by the noble Lord the Member for the City of London. I entirely concur in what was so well stated by the hon. Member for South Northumberland (Mr. Liddell), that the direct inducements to the spread of education in this country are strong beyond measure. To repeat his excellent illustration, all the railway companies, all the scientific bodies in this country, are daily more and more anxious to obtain skilled labour, and the premium upon education in the humbler classes is getting higher and higher. The same is the case, to a certain extent, with regard to the middle classes. We have wisely opened to them, by free competition, the valuable appointments in the service of the East India Company, a measure the success of which was so well stated by the right hon. Gentleman the President of the Board of Control (Mr. V. Smith) towards the close of last Session. However much I may deprecate direct State interference, there are many legitimate inducements which it can hold out to the spread of education without interfering. If you come to throw open to competition the 16,000 or 17,000 places now at the disposal of the Government, many of them of the humblest character, to those who shall by competition prove themselves best adapted for them, then, without a rate, without compulsion, by the most legitimate means, you would be giving encouragement to the spread of education among the people of this country.

My next objection is, that it is a most expensive plan—prodigally expensive. The effect of the proposition will be, I have no doubt, that all voluntary contributions will cease. Everything will have to be done, and everything will have to be paid for by the Government. The proposal of the right hon. Member for Droitwich is, that the schooling shall be free. The noble Lord (Lord J. Russell) proposes that the school pence shall be maintained, though much reduced. This really means that school pence shall cease, and that there shall be no contributions from the parents. I cannot believe that you can safely estimate the cost of this plan at less than £6,000,000 per annum. Mr. Unwin, in giving his estimate, says—

> "The noble Lord the Member for the City of London, taking the number of children to be educated at 3,600,000, casts his estimates at 18*s*. per head."

That most moderate view would give a cost of £3,240,000 annually; but Mr. Unwin, I think, convicts the noble Lord of a grave error of omission. The noble Lord has omitted the 10*s*. per head which is now contributed out of the Government grants. If so, that raises the cost per head to 28*s*. per annum. You must add, therefore, on that account, £1,800,000 to the £3,240,000. You must add, also, for the repair of school buildings £500,000 a year; for the expense of inspection and administration, £740,000; and for training institutions — the present cost — £44,000. Add these sums together, and you have an annual expenditure of £6,324,000. That is Mr. Unwin's estimate. Mr. Baines takes the entire cost at an average of 31*s*. per head, which for 3,600,000 children, shows an annual expenditure of £5,580,000, or £744,000 less than the estimate of Mr. Unwin. But, take it as you will, either estimate makes the cost of this operation, which we are now discussing, equal to the poor rate and the county rate of England put together. The right hon. Member for Buckinghamshire (Mr. Disraeli) some time ago brought forward with great force the case of the local burdens affecting land, in the hope that upon the principle of equity they might be reduced. By the Resolution now before the Committee, in one night, and without further debate, we are asked, by a single stroke of the pen, by one breath of the voice, so far from diminishing the burdens upon land, to double the amount of the poor rate and the county rate, as affecting the land. I beg hon. Gentlemen opposite to consider that proposition. My next objection to this measure is, that it will defeat itself. Without further compulsion, I contend that it will diminish and not increase education. Children under fifteen will no longer be employed. No farmer, if he can get a woman to hoe turnips, will ever think of employing a boy under fifteen years of age, with the odious chance of having school Inspectors visiting his house to know whether the boy has been sent regularly to school. He will say, "away with such interference; I would rather have free labour of any sort, male or female; children under fifteen shall no more be employed by me." I believe it will be found, even among the agricultural population, that the wages of the children of farm servants amount to at least one-fourth of the entire wages of a farm; and here you call upon this class of persons to pay a new rate and to sacrifice one-fourth of their wages. Such a proceeding, I hesitate not to say, will spread confusion and dissatisfaction throughout your whole rural population. That population is well affected now, in times when their loyalty has been highly tried. You have had the advantage of their fidelity and loyalty. I have shown that they are not indifferently educated; but, under the pretext of giving them a more extended education, with a view to some speculative improvement, you are called upon to double the poor rate, to double the county rate, and to expect that the farmers of England will continue to employ ploughboys who are to be highly educated, and who are to be paid and educated at their cost.

My fourth objection to the measure is that it is oppressive to the poor and vexatious to industry. A double compulsion is necessary, for you must not only compel employers to educate, but you will have the far more difficult task of compelling the employed to be educated; and by such means you will make your system odious to the people of this country. Now they are induced by their employers to attend the Sunday school—the honest religious zeal of the employers leads them to interfere, to persuade, to convince, to guide; but, as was well and most truly said by the right hon. Member for Oxfordshire (Mr. Henley), the people of this country are not to be driven. Pains and penalties never will educate the people of England. It is not by such means that you should attempt to educate them; it is not the way, except in an evil hour, in which this House will ever venture to make so perilous an attempt. I say that this measure is unsound in principle—that it is based upon Government monopoly, and that it destroys the free competition of labour. Will the Committee bear with me, and I will illustrate the danger of such a plan by the experience of foreign countries where a Government monopoly prevails? I will also illustrate the effect of the opposite principle in our own country through the medium of voluntary associations. Let me remind the Committee that I claim no merit whatever for the main portion of the arguments and facts which I am using. I have mentioned the sources from which I draw them. I believe them to be pure and undeniable, and until I hear them refuted my conclusion rests upon them. I have told you that I will illustrate the result of Government interference by its effect in foreign countries, where a Government monopoly prevails; and in order to do this I will, with the permission of the Committee, read a passage from *Laing on Norway and the Duchies*. Mr. Laing says—

> "It is a great truth that in education, as in everything else, supply follows demand, and that a people will always and in all circumstances educate themselves, or find education for themselves, up to the demand and necessity for knowledge and educated labour among them; and that a forced supply of learning or educated labour beyond what the social state of a country requires and can fairly and naturally use and employ is altogether as opposed to the true principles of social economy as a forced supply of bodily labour by Government encouragement would be in the labour market. The result in Germany of giving a monopoly of the educational means of the country to educational boards, and their primary schools, gymnasia, and universities, and allowing none but licensed teachers to give instruction to the people, has been to raise a power within the State governing the people, as the Roman Catholic clergy did in the middle ages, by the monopoly of education, exempt from all opposition or counteracting influences from other teachers. In 1848 they shook every continental throne by their schemes, their social influence, and the false education they had been giving to the youth of Germany.

Let me remind the Committee that we are called upon to discuss this question upon an important day. This is the 10th of April, the anniversary of a day upon which the people of this country stood out in bright contrast to people who live under a system of Governmental education, to people trained under the compulsory system of education of Prussia as well as of Austria. I have told the Committee that I will illustrate my argument by bringing before it some of the consequences which have resulted from our own system of education. Now it appears from a pamphlet of Mr. Baines that—

> "According to the census of 1851, the churches and chapels existing in 1801 contained 5,171,123 sittings; in 1851 they contained 10,212,563 sittings. Of that number only 188,472 sittings were provided with any help from Parliament, so that 4,852,968 sittings were provided by the voluntary zeal of Churchmen and Dissenters (by far the larger number by the poorer of these two bodies). The proportion which the voluntary sittings bore to the Parliamentary was 96 per cent to 4 per cent. The State granted £1,663,429, while voluntary contributors gave £22,423,571."

Now, these are facts, and, although the hon. and learned Member for Midhurst (Mr. Warren) has begged me not to overlay my case with statistics, still I must say that these statistics have produced so much effect upon my own mind that I should be failing in my duty were I not to lay them before the Committee for free discussion—for refutation, if they can be refuted, and if not, to let them have the chance of producing on the minds of hon. Members the same impression they have produced upon mine.

My last objection to the proposal was, that it was unsound in principle, and I now proceed to contend that it would be constitutionally dangerous in operation. I feel great difficulty upon a constitutional question in opposing the authority of my noble Friend, but I think that his honest zeal in the cause of education has led him to overlook some of those constitutional principles of which he has always been the strenuous upholder. Now, I ask the Committee to consider this point. It is proposed that we should at once hand over to a body of Inspectors, aided by Sub-Inspectors, the appointment of some 34,000 or 35,000 schoolmasters, and all the influence which such a patronage cannot fail to give. The patronage is enormous; but there is also another objection; there is a French word *surveillance* which I can hardly translate into English, but which implies an inspection of, a watching of, a prying into private affairs by Government servants, and something very like that system will be created if the present Resolutions are carried out, for it will be necessary to go into every farmhouse and make inquiries with respect to the education of every boy under the age of fifteen. This is the admirable machinery proposed by the noble Lord. My right hon. Friend the Secretary to the Treasury (Mr. Hayter) slumbers quietly below me, but, if such a thing as a general election should take place, this machinery of the noble Lord, this appointment of Inspectors, of Sub-Inspectors, and of schoolmasters, all holding their places under the direct control of a Governmental department, will give him more to do than flesh and blood can stand. If we allow the use, or it may be the abuse, of such machinery, he will neither slumber nor sleep. That which is now proposed for the best of purposes may be prostituted to the worst, and we may, if we agree to these Resolutions, in the endeavour to attain an end perfectly legitimate and proper—narrow or suspend the boasted liberty of the people of this country. As regards the question of rating, I regard it much in the same way as I do the question of church rates. Dr. Candlish said that the excellence of the school consisted in the schoolmaster, and that the rules of instruction were as nothing. The same authority, however, which imposed the school rate, would choose the schoolmaster, and also regulate the teaching of the schools. If the schoolmaster be a member of the Church of England all the members of other creeds in the parish will be up in arms against him, and will be his sworn enemies; while, if he be a Dissenter, the Churchman will be seriously aggrieved, so that instead of promoting peace by this scheme of education, we shall be lighting a torch of discord in every parish throughout the country. I believe myself that the principle of a compulsory rate and the principle of a system of education purely secular must stand or fall together. The right hon. Gentleman the Member for Droitwich (Sir J. Pakington) last year expressed a desire that we should adopt some neutral ground upon which Churchmen and Dissenters might meet, remembering only the points upon which they agree, and forgetting those upon which they differ. Now, that desire appears to me to be most visionary, for, as far as my experience goes, the more minute the difference of opinion upon subjects of that nature the more intense is the hostility engendered. The middle course has been very aptly termed by Mr. Baines the "neutralisation of the Black Sea" of religious teaching, and I am glad to adopt that expression, and I will proceed to lay before the Committee what has been the practical effect of this middle course in foreign countries. I will ask the Committee to listen to what M. Guizot says upon this subject. M. Guizot says:—

> "It had been sometimes thought that to succeed in securing to families of different creeds the reality and the freedom of religious instruction, it was sufficient to substitute for the special lessons of the several religious denominations some lessons susceptible in appearance of being applied to all religions. This would not answer the wish either of families or of the law. They would tend to banish all positive and effective religious instruction from the schools in order to substitute one that is merely vague and abstract."

Another high authority, M. Cousin, says—

> "That children judged of the value of the instruction which they received in schools from the time and attention devoted to it."

Now, let me read to the Committee something concerning the practical effect of such a system. I will read to the Committee an extract from the Second Annual Report of the Massachusetts Board of Education, Boston, January, 1839:—

> "In my Report of last year I exposed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency in regard to religious instruction could only be explained by supposing that school committees, whose duty it is to find school books, had not found any books at once expository of the doctrines of revealed religion and also free from such advocacy of the tenets of particular sects of Christians as brought them within the scope of the legal prohibition. Hence they felt obliged to exclude books which, but for their denominational views, they would have been glad to introduce."

Sir Robert Peel thus comments on this extract from the Report:—

> "This is a system not excluding the Scriptures. Allowing the Scriptures to be read, but not allowing them to be taught on the principles of our Church—permitting them to be used for the purposes of instruction, but leaving it to the ministers of the various religious denominations to teach the children in accordance with their particular religious views."

Now, that, I apprehend, is the nature of the present proposal. [Lord J. RUSSELL: Exactly the reverse.] Well, I shall be glad to hear how it is the reverse. Sir Robert Peel goes on:—

> "What says the secretary to whose Report I have referred as to the working of that system? Why, he said, 'There is an alarming deficiency of moral and religious instruction.' That is just the result which I anticipate from any such system as applied to the habits and modes of thought of the English people."

Here is Mr. Horace Mann's Report respecting the Massachusetts schools, quoted by the right hon. Member for Oxfordshire (Mr. Henley) in his admirable speech last year, and to which, with the permission of the Committee, I will recall its attention:—

> "In the origin of these schools, which was 210 years ago, in 1642, the instruction enjoined by law was distinctly religious instruction, and so it continued for a number of years; but at present, while it is nominally religious, I apprehend that there is almost no religious instruction given in the day schools of the United States at all."

I am really ashamed to trouble the Committee at such length; but as a matter of evidence and authority, what I am now about to read appears conclusive. It is a passage from a work by M. Bunsen, who was Minister for Prussia in this country for fourteen years. He had all the advantage of a most intimate knowledge of the compulsory Government system of Prussia, together with the further advantage of knowing well the English people, with whom he was connected by marriage. He was well acquainted with the habits of the English, had watched all their institutions and proceedings, and he has given us in the words I will now read, the result of his experience and judgment. M. Bunsen observes:—

> "I confess, as a German and a Prussian, not without sorrow, that experience and reflection have convinced me of the truth of the political principle, that the system of centralisation is inconsistent with the education of the people to true freedom, and is a system which, in the long run, weakens more than it strengthens that authority of the State in behalf of which it is maintained. By centralisation I mean the common Continental system of examining only by Government officials. The necessary operation of this system is to keep the people in perpetual tutelage, to prevent them from performing the slightest function of public life on their own motion, and specially to repress that independent life which naturally belongs to every healthy Christian congregation. On my return to my own country, after fourteen years' absence in England, I began to compare the impressions with which I had left Germany with the more ripe views which through more extended study and a more large experience I had obtained. The principle of voluntary association has been for a long time active in England, and there is, in and about London, and in Great Britain generally, scarcely any great movement or public work of which the roots are not to be sought in that principle."

M. Bunsen then illustrates this proposition by the growth of our Indian Empire within the last century, proceeding from an association of British merchants, by a reference to the Pilgrim Fathers and to the existence of the great Republic of the United States; and also by a reference to the present condition of Upper and Lower Canada. He then goes on to say—

> "What other principle than this has during the last century achieved the erection of more new churches and chapels in the congregations of earnest worshippers than all the Governments of Europe and all the clergy had been able to erect during the last four centuries?"

Here, then, you have the evidence of M. Guizot, the example of Massachusetts, and the deliberate opinion of M. Bunsen, who, contrasting the principle of Government or State interference with the principle of voluntary association, came to the conclusion, as the result of fourteen years' study and experience, that voluntary association was the only safe and true principle. To-night you are asked, in reference to education, to throw that principle aside. I have another objection to these Resolutions, and that is, that they are neither hot nor cold—neither religious nor secular. Religion, after all, is the mainspring of voluntary education. It is the religious zeal of the different sects which prompts them to bestow expense and labour on the foundation and maintenance of these denominational schools. This is the main principle and lifeblood of all that scheme of education. The feeling of resentment towards the Established Church on the part of some of them may be warmer than I could wish, but I gladly and freely admit that the great body of Dissenters in England are fellow-Christians, and the religious zeal which prompts them to establish schools intermingles the Christian faith and the Christian principle in the education of the children. You are now asked to tamper with that system, not openly and resolutely, but covertly and partially, and in a way more dangerous than the direct establishment of exclusively secular schools. Let me refer to what I consider the extreme danger of this proposition. Having established a rate, the majority of ratepayers would year by year be fluctuating. The majority of one year might, as I have previously stated, be the members of the Established Church; the majority of the next year might be Wesleyans, and of the third, Roman Catholics; and with each variation of the majority the schoolmaster would be changed and the religious teaching would be changed also. What would be the effect of this? If the education were secular only, the discord, to which I am about to advert, would not arise. The chance majority would fix the religious teaching, and the children of the minority must go to the school where a master is chosen precisely of a creed to which they are opposed. There will then be not only the chance of confusion in the secular education from the peculiar opinions of the master, and the minority will not only have to contribute their money for the salary of that master and for his secular teaching, but also for his religious teaching in a creed to which they most object. Surely this will give rise, on the part of the minority—a minority, it may be, turned only by one—to the most angry and bitter feelings, arising from a sense of injustice in respect to a most sensitive point—religious creed, and that sense of injustice, when combined with a money payment and a compulsory rate, will create a state of anger and discord—I hope not of tumult—which I scarcely venture to describe. Having trespassed already so long on the attention of the Committee, I shall not now venture to deal with any of those general topics which naturally present themselves, but which have so often been discussed in this House, and by no one with greater ability than by the noble Lord the Member for London, such as that secular education, not based on religious knowledge and instruction, is not conducive to sound morals or to the real interests of the pupils themselves. Love to God is our first and greatest duty—love to our neighbours is the next and like unto it. On these two commandments hang "all the law and the prophets,"—our happiness here and our hopes hereafter; and this Committee may well pause before by any hasty decision it violates those great precepts, and deprives the people of the inestimable benefit they now enjoy in having secular teaching universally mingled with religious instruction.

Mr. MONCKTON MILNES, in explanation, said he thought the right hon. Baronet could not have heard him say that "the short and reasonable ceremony" which he had mentioned as having been used in the school at Birmingham was the Morning Prayer of the Church of England.

Sir JOHN PAKINGTON: Sir, after the able and powerful speech we have just heard from the right hon. Baronet the Member for Carlisle, I feel most seriously the difficulty he has imposed on me in following him. Entertaining, however, a clear conviction upon this subject, and differing from the conclusions at which the right hon. Baronet has arrived, I must appeal to the indulgence of the Committee to enable me to perform the difficult task of confuting the statements contained in the able speech we have just heard. I must throw myself on their indulgence while I undertake the arduous task which, under a sense of public duty, I have imposed on myself. I hope I shall not appeal to the Committee in vain for that attention, without which I feel it is impossible to meet and reply to the statements the right hon. Gentleman has just delivered. The right hon. Gentleman appealed in his emphatic speech to the truth. I join issue with him boldly and fearlessly on that appeal. I agree with the right hon. Gentleman that this is a great and important subject, affecting the dearest interests of the people, and that it must be discussed by the Committee with a strict regard to the merits of the case. On the merits of the case, then, Sir, I venture to join issue with the right hon. Baronet. I accept his challenge, and, though I own myself unequal to the right hon. Baronet in the power of debate, yet I do not fear the issue if I am indulged with that attention which is indispensable for me to meet the statements of the right hon. Gentleman. In one respect I am happy to say I most cordially concur with the right hon. Gentleman. I entirely agree with him that we ought not to approach this subject in any party spirit, but that we ought to approach it with the greatest gravity and anxiety, and in that spirit I shall endeavour to deal with and to approach this important subject. And, Sir, I feel it is all the more incumbent upon us to approach this subject with that gravity the right hon. Gentleman so much desires, when we bear in mind the enormous numerical proportion of the people of this country who are affected by the great question of national education. I shall not overstate the fact when I state that not less than 15,500,000 out of the 18,000,000 of the population of England and Wales are directly and personally interested in the question. In this opinion I have the well-known authority of Mr. Farr, who, in his evidence before the Income Tax Committee relative to the income of the various classes in this kingdom, draws a line of distinction between those who have an income of £75 per annum and those who have not. Judging, then, by this division of the population—those who have and those who have not £75 a year—I am right in the statement I make, and I think the Committee will agree with me when I state that every family who has less than £75 a year is mainly dependent for the education of its children on the national fund, whatever that may be. I am endeavouring to show the Committee the numerical proportion of the people affected by this measure. It affects, according to Mr. Farr's figures, 15,500,000 out of the 18,000,000 of people. I say, then, we are bound to approach this subject with the greatest anxiety, and with a deep sense of the magnitude of the question. With respect to the Resolutions of the noble Lord, I will come at once to the objections made to them. The right hon. Baronet complains, in the first place, of the form in which the Resolutions of the noble Lord are placed before us. Now, I am quite prepared to support the general spirit of these Resolutions, but the Amendment of which I have given notice is a proof that I do not entirely agree with the noble Lord as to details. I think with the right hon. Baronet (Sir J. Graham) that the first Resolution refers to matters which might well be left to the new department of education. I also object to throwing upon the quarter sessions duties which, I think, they cannot adequately fulfil. I do not understand how the magistrates even of towns, and more especially of counties, can obtain information as to the educational requirements of distant parishes, or how they can decide the amount of rate to be levied from those parishes. I agree, too, with the right hon. Baronet in not being able to find a reason for the introduction of the sixth Resolution. It touches upon a most difficult and delicate subject ; it has naturally created great alarm ; it is calculated to raise questions upon which great differences of opinion must exist ; and I hope, considering that it is altogether foreign to the objects the noble Lord has in view, that he will withdraw it. Being, however, convinced of the necessity of some plan such as that proposed by the noble Lord, I was not prepared for the course taken by my right hon. Friend the Member for Oxfordshire (Mr. Henley)—a course to which the right hon. Baronet never even alluded in the course of his long speech. My right hon. Friend asks us to refuse to entertain the question at all ; he moves that you, Sir, leave the chair, a proposition by the adoption of which we should evince a disregard to the feelings of the people and an indifference to the public interest that would, I believe, shake the confidence of the country in this House. I will now enter into an examination of the criticisms of the right hon. Baronet upon these Resolutions. He first takes an objection to proceeding by Resolution at all. I admit that there are objections to that mode of proceeding, and early in the Session I reminded the noble Lord (Lord J. Russell) that Resolutions had been more than once proposed by Lord Brougham and others, and that Resolutions would not educate the people. But the noble Lord defended the course he had pursued by an argument of which I must admit the force. Experience has proved that an independent Member cannot carry a Bill upon such a complicated and difficult subject as education, and, the Government having refused to undertake it, the noble Lord felt that his most prudent course would be to lay down broad principles, in the shape of Resolutions, for adoption or rejection by the House. The right hon. Baronet then took an objection which had previously been raised by my right hon.

Friend (Mr. Henley). He said that the plan of the noble Lord would break up the parochial system, abolish parochial boundaries, and sever the clergymen from the schools. [Mr. HENLEY: Hear, hear!] But my short and simple answer to this objection is, that in educational matters the maintenance of the parochial system is an impossibility. I think the Committee will admit that I am right on this point. I will illustrate this position by mentioning two instances, one of which is on my own estate. A parish in my neighbourhood, a considerable portion of which belongs to me, has within it thirty-six resident inhabitants, and there are five children of the school age. Can either of my right hon. Friends tell me how the parochial system could be made to apply to that parish, or how it is possible to avoid in this case that separation of the clergyman from the superintendence of those children which they deprecate with so much anxiety? In Archdeacon Williams's last charge at Monmouth he alluded to a parish, not with thirty-six inhabitants, but which contained only sixteen inhabitants. I think I need not go further in the argument as to the importance of maintaining the parochial system. The next point is, that the plan of the noble Lord is unnecessary. If the right hon. Baronet is right, certainly nothing can justify the introduction of the plan. But the whole question turns on the assertion that the plan is unnecessary; and here I join issue with the right hon. Gentleman. It is a challenge I will accept. I consider the plan to be imperatively necessary if it is wished that the country should be educated. The next point was as to the actual state of education in this country. On that subject the right hon. Gentleman quoted statistics, showing that in 1851 the rate of education was higher than in any former period; but the right hon. Gentleman did not state that the progress from 1833 to 1851 was less in proportion to the population than from 1818 to 1833; neither did he advert to the centesimal proportion of the attendance at the schools, which would have shown that the attendance was not so great now as formerly. The right hon. Gentleman then made a comparative statement between the state of education in this country and the Continent. I beg to tell him, without any discourtesy, that on that subject, according to the best means of information to which I have had access, he was positively wrong in all he stated. His statement was thoroughly erroneous. I understood him to say that, as compared with foreign countries, England was only exceeded in the centesimal proportion of attendance by one. I believe the right hon. Gentleman is altogether misinformed. In Sweden the centesimal proportion of attendance at schools is 1 in 4; in Russia, 1 in 7; in France, 1 in 6. [Sir J. GRAHAM: Do you speak of France as a whole?] I am aware that France differs very greatly in different parts, but in a considerable portion of France the proportion of attendance is 1 in 6. In Saxony the proportion is 1 in 5; in Denmark, 1 in 7. What it is in Holland I do not know, but I have mentioned four or five countries instead of one, which exceed England in this respect. The right hon. Gentleman must allow me to refer to the United States of America, and to the State of Massachusetts. On this question I think the superiority of the United States in several of the States, especially in New England, is undeniable, the proportion being generally 1 in 5 and 1 in 6. Instead, therefore, of England having only one country better than itself in this important respect, there are not above three or four countries in Europe which are in a worse position than that in which England stands at this moment. The next argument of the right hon. Baronet was, that this plan must be oppressive to the poor. In that respect the right hon. Baronet was dealing not with facts, but opinions. He says it will be oppressive to the poor. I can only join issue and say that I entertain a directly opposite opinion. Nothing can be more oppressive or injurious to the poor than the present impossibility of their obtaining that education for their children which they ought to receive. Instead of being considered oppressive, I believe there is nothing for which the people would be more grateful to the House of Commons than for some measure of this nature. The next argument of the right hon. Baronet was one which I listened to with some surprise. He says that the plan of the noble Lord is unconstitutional. I think it would be presumptuous on my part to undertake to defend the plan of the noble Lord against the charge of its being unconstitutional. I believe there is no man more competent than the noble Lord to defend any question involving the constitutional interests of this country. All I can observe on this point is, that when any man does not like a measure, and, at the same time, does not know how to assail it, he immediately declares that it is unconstitutional. It is a most abused word, and one which is applied on all occasions to all subjects. The right hon. Baronet then said that this plan asked us to throw aside the existing system and to adopt the American system. I think the right hon. Gentleman is wholly inaccurate in that respect, and especially when he compared the proposed system with that which exists in Massachusetts. The noble Lord has distinctly denied any such intention; and certainly I should not be prepared to support a plan on the American system. I am one of those, and I believe the noble Lord to be one of those, who would hold any system of education to be imperfect, unsatisfactory, and unfit for this country and unacceptable to the people, which was not based on religion, and which did not distinctly recognise the necessity of combining education with religion. The right hon. Baronet referred to a speech of mine last year, and endeavoured to show that the plan I ventured to recommend would not meet the case. I dissent from that opinion, and say I am enabled to prove that there is abundant experience, both in England and on the Continent, to show that the religious difficulty can be solved, and that you may have religious teaching with a mixture of religious sects without the sacrifice of the interests of religion. I might refer to the remarkable instance of the grammar school of Birmingham, where doctrinal teaching is carried on, and where the conscience of Dissenters is respected. This I believe to be the true solution of the difficulty—a solution which may be safely adopted by this country, and which will enable us to impose a rate without being open to the objection to which the right hon. Baronet has referred. In France and in Switzerland the religious difficulty is overcome in that way. In the Roman Catholic cantons of Switzerland Protestant children are admitted and, *vice versâ*, in the Protestant cantons Roman Catholic children are admitted, while the conscientious opinions of their parents are respected. That is, I believe, the true solution of the difficulty, and a conclusive and satisfactory answer to the objections of the right hon. Gentleman. I must also say, that I equally dissent from the objection of my right hon. Friend the Member for Oxfordshire and of the right hon. Gentleman the Member for Carlisle, and which no doubt we shall hear again in the course of these debates, that if you impose a school rate you will be aggravating in another form all the evils of church rates. It appears to me impossible to advance any opinion less capable of being supported in argument. The church rate and the school rate are essentially distinct and different. The objection of the Dissenter to the church rate is, that he is called upon to pay a rate for the support of a church from which he derives no benefit. With a school rate, the Dissenter is called upon to pay a rate, in return for which his children have the benefit of education. The cases appear to me to be exactly opposite. In the one case the Dissenter has no benefit from the rate: in the other case the Dissenter has precisely the same benefit as any other person. I have now gone through the criticisms of the right hon. Gentleman on the noble Lord's Resolutions, and I must say, I think the criticisms on his part and on the part of my right hon. Friend (Mr. Henley) are rather too much in detail. They treat these Resolutions more as if they were clauses of a Bill than as if they were intended to lay down some broad principles of future action. I think, also, the right hon. Baronet has not met the noble Lord in the spirit to which the exertions of the noble Lord entitle him. With the permission of the Committee I will now proceed to deal with the most important statement which the right hon. Baronet (Sir J. Graham) has advanced, and in reference to which I must, with great respect, but with great decision, express my opinion that it is unsupported by facts—I allude to the expression that England is educated. I meet it by stating that England is not educated. The state of England in this respect is not satisfactory. Our advance, which I do not deny, does not bear any proportion to the necessities of the case, and, if Parliament does its duty to the country, it cannot leave the matter where it is. It is impossible to grapple with such a statement as that and support the assertion that it is erroneous, without producing some proofs of that assertion. No more important question can be raised. Upon this question a verdict must be given. My right hon. Friend (Mr. Henley) may carry his Resolution, but the future action of Parliament must turn upon the question, whether the right hon. Gentleman is right when he says England is educated, or whether I am right when I say England is not educated. Upon this great question, fairly raised between us, must turn the decision—whether this matter can rest where it is, or whether it will not be the paramount duty of Parliament to establish some auxiliary system. I take exactly the view stated by the hon. and learned Member for Midhurst (Mr. Warren), in that able speech to which in common with others I have listened with sincere pleasure, that we are not about to displace the voluntary system—that we do not underrate or undervalue the exertions hitherto made—but that that system is insufficient, that it cannot educate the people, and that some auxiliary system must be adopted. The first proof that I will give is one to which I entreat the particular attention of those Gentlemen who are advocates of the voluntary system; for it happens to be one of the most curious illustrations I have ever met with of the warm advocacy of the voluntary system, and, at the same time, of its complete failure. The paper which I hold in my hand is a Report of the Diocesan Society of the diocess of Bath and Wells. I am not familiar with that part of the country, but I have no doubt that society consists, as these societies generally do, of some of the most eminent of the clergy and laity of the county. In October last this society presented their usual Annual Report, and at the end of that Report they extol the voluntary system in the strongest terms. Speaking of the Bill of the noble Lord and the Bill which I had the honour to introduce as—

> "Well meant though comparatively impracticable endeavours to substitute for the present noble voluntary exertions of the people, and especially of the Church of England, in the sacred cause of education, State systems of support having a tendency which are alien to the feelings and principles of the great majority of the Christian population of this country."

Here, then, is the broadest possible statement of the merits of this noble voluntary system, and the insufficiency and objectionable nature of other propositions. But, in a preceding sentence the Report of the diocesan Inspector, the Rev. Mr. Vaughan, is recommended to the attention of the public. It appears this gentleman has been round the diocese of Bath and Wells to examine the state of the district in which the effects of the voluntary system are so lauded. Mr. Vaughan says—

> "Your Lordship will perceive how very far this is from being the case at present in your diocess.—There must evidently be thousands growing up in your diocess without the knowledge of the simplest elements of Christian truth, while the very irregular attendance of a large number of these children who do come to school prevents their acquiring any knowledge worth possessing. In many parishes there are still no schools, and I enclose a list of such parishes in each district of inspection. In some parishes the children are still cooped up in miserably insufficient and unhealthy rooms, the very atmosphere of which must destroy all power of thought, and the crowded state of which renders proper discipline almost impossible."

Mr. Vaughan goes on to state, that funds are wanted for building schoolrooms for the support of efficient masters, &c., and at the end, he says—

> "In submitting this Report to your Lordship I cannot conclude without expressing my decided opinion—that the state of elementary education in your Lordship's diocess is very far below what it ought to be. In many parishes excellent and well superintended schools, conducted by earnest efficient Christian teachers, are doing a great work; but there are many, also, in which there are no schools connected with our church, and many more in which the schools are sadly inefficient—mere schools of idleness and every bad habit."

I need not dwell upon the authority of this Inspector to show the right hon. Baronet that, at all events, in the diocess of Bath and Wells, he can hardly venture to say the people are educated; but allow me to add a word on the county of Wilts, which will be interesting to the right hon. Gentleman (Mr. S. Herbert). I have received a communication from the resident clergyman of a parish in Wiltshire. I have no personal acquaintance with him, and I do not feel justified in stating his name to the House because the communication is a private one, and I have not his authority for doing so, but I shall be very happy to tell the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) in private from whom the communication comes. I should like to know his opinion as to the correctness of the statement. This Gentleman says—

> "Look over the length and breadth of this great county, and I declare I do not know a single rural parish where the social condition of the labourers is satisfactory, or the means for education anything approaching to efficiency. There may be such, but I do not know them. I know many where there is no day school of any description, and one instance where in five parishes the schools are only kept in existence in their present wretched and almost useless condition by the liberality of one single individual."

These statements are applicable to Wiltshire. Now, if the right hon. Baronet believes these statements to be true, will he say that England is educated so far as

Wiltshire is concerned? I used last year the authority of Mr. Clay, chaplain of Preston Gaol. I need not remind the Committee of the high character of that admirable man. The Reports which he has been for many years past in the habit of presenting are made every alternate year. Since I quoted one of his Reports late in the autumn, another has been brought out in which he alludes to the state of education in the county of Lancaster. I do not know whether my right hon. Friend (Mr. Henley) has received a copy, but Mr. Clay is hurt at the imputations passed upon him by my right hon. Friend of having made exaggerated statements. Mr. Clay quotes my right hon. Friend's speech, and he again goes into some terrible details to prove his assertions. He states the immense number of prisoners who are unable to read and write. He says—

> "That out of the prisoners in Preston Gaol, 36 per cent come into the gaol unable to say the Lord's Prayer, and 72 per cent come in such a state of moral debasement that it is in vain to give them instruction or to teach them their duty, since they cannot understand the meaning of the words used to them."

This is an alarming and frightful state of things, and it is more so when we are reminded by Mr. Clay that one in fourteen of the male population of the working classes comes every year within the grasp of the law, so that in the condition of the Lancashire prisons we find proofs of the degrading ignorance in which a large portion of the population stand. And yet in the face of these facts the right hon. Baronet (Sir J. Graham) advances the position that England is educated! That is the right hon. Baronet's opinion; but I contravene that opinion, and I meet it with facts which demonstrate that England is not educated, and that a large proportion of her population are in a most alarming state of utter and debasing ignorance. Mr. Clay gives us some new facts, and I hope the Committee will allow me to refer to them. He quotes some Reports from the head constables of Preston, Manchester, and Liverpool. The head constable of Preston says that in the years 1853–4 he had 16,500 males in custody, of whom 9,641, or more than 58 per cent, could neither read nor write. The right hon. Baronet may not like statistics, but we cannot come to a decision on this subject without them. Captain Willis, the head constable of Manchester, reports to the same effect. He had 8,294 males in custody in 1853–4, of whom 2,676, or 32 per cent, could neither read nor write, and 5,303, or nearly 64 per cent, could read only, or read and write imperfectly. The head constable of Liverpool, Captain Greig, said that out of 25,111 prisoners only 570, or 2 per cent, of the whole could read and write well; of those who could read and write imperfectly there were 11,031, or about 43 per cent; there were 1,860 who could read only, or about 7 per cent, while those who could neither read nor write numbered 11,650, or about 48 per cent, of the entire number of apprehensions, thus showing the connection between ignorance and crime. I will not trouble the Committee with any more statistics, but if the Committee will dispassionately consider the statements I have made with regard to the diocess of Bath and Wells, the county of Wilts, and the county of Lancaster, I ask the Committee, and I ask the country, how it is possible in the face of these facts for the right hon. Baronet or any other man gravely to assert that the people of this country are in a satisfactory state with respect to education? The last authorities to which I shall refer are the Inspectors of schools. They are, perhaps, not the most competent judges that I could call, since they are acquainted only with the best portion of the schools in their districts, and do not go into the more remote parishes and see the schools that do not apply for inspection. But these Inspectors substantiate the general allegation that the education of this country is in the most unsatisfactory state. Mr. Mitchell, Inspector of Schools for the Eastern Counties, says—

> "I have inspected no less than forty schools, and my colleague many more schools, the details of whose state will show that education is by no means either universal in its extent or good in its kind, and that there are even large districts in which, as regards the poorer class, it is still only a name. In some places, even the education that used to be given is now no longer afforded. The pressure of the times is such, especially upon clergy of limited incomes, who have been the main support of schools by their contributions, as well as by their influence, that, as by the following extracts from their letters you will perceive, they are now unable to continue in some instances their subscriptions, and in others only do so at great and positive inconvenience."

I might give extracts from the letters of clergymen who are unable to keep up their schools, and who urge the necessity of some aid being afforded them beyond that which the voluntary system supplies. Mr. Mitchell says:—

> "Nor is this state of things confined to the eastern district, for, having visited officially schools

in almost every county of England, I have met everywhere the same defects, everywhere the like complaints—inefficiency of schools, poverty of funds, irregularity of children, indifference of parents, anxiety and discouragement of managers, trustees, and subscribers, together with great indisposition on the part of property holders in general to aid the support of schools to any truly efficient purpose, and the Reports of my colleagues confirm these statements."

What does the right hon. Baronet say in answer to this, and will he still maintain that England is educated? He must feel that it is impossible to support the view he has taken. Mr. Kennedy, the Inspector for Lancashire, writes to the same effect. He says:—

> "The main prevailing want, as heretofore, is that of adequate and permanent funds. This is the case with most of the schools which I see, and with nearly all of that large number which I do not see. On this head, I see no reason whatever to retract or modify any one of the ten propositions which I put forth at the end of my general Report for the years 1851-52. And now, as then, I am fully convinced that this want of a sufficient and unfluctuating income can only be supplied by a rate for education."

This is the opinion of Mr. Kennedy. I will not detain the Committee further; but if the right hon. Baronet or any other Member will refer to the Blue-books on our table, and the Reports of the Inspectors, he will find that the evidence to which I have alluded is not confined to the extracts I have read from the Reports of Mr. Mitchell and Mr. Kennedy, but that all the Inspectors hold the same language, that there is throughout the country a grievous want of a better education, and that the main cause is the want of funds. The right hon. Baronet maintains that these Resolutions are opposed to the spirit of liberty, but he failed to adduce a single argument in support of that assertion. With all respect for him, I distinctly deny that there is anything in them or in the principles they embrace that can fairly expose them to any such imputation. Is it contrary to the spirit of liberty to take measures to provide for the first and greatest want of a civilised country? Can it be possible that it is a violation of freedom to ask you at this period of the nineteenth century to sanction for education precisely those principles which our Scottish neighbours adopted 200 years ago? Surely that is no startling innovation. The Resolutions of the noble Lord the Member for London proceed upon the proposition that the people require to be educated, and that your machinery to effect that great object should be local taxation under local management. The right hon. Baronet opposite was not quite fair in the quotations which he has made from Mr. Baines's pamphlet, where he talks of the bad effects of centralisation. This will not be a centralising system, but a system of local management and of local control, under central guidance and central assistance. I believe the right hon. Baronet (Sir J. Graham) was a Member of the Administration that adopted the present system of poor-law administration. Is that system opposed to the spirit of liberty? Assuredly not. Every intelligent man regards it as one of the most admirable social reforms of modern days; and, be it remembered, it is a local system. Why should we, therefore, be forbidden to adapt it to the purposes of education? What I proposed, and what the noble Lord proposes, is local management with central guidance. The rate is to be raised by the votes of the ratepayers. It is to be managed by committees locally elected. I grant you that, for the sake of uniformity of practice, those committees must be under central guidance like the poor-law. But I defy the right hon. Baronet to prove, that in proposing this scheme we are adopting any plan open to the grave objection of being opposed to the spirit of liberty. I repudiate that charge, and I defy him to prove it. If I feel warmly on this subject, it is not from any feeling of disrespect to the right hon. Baronet, but from the great issue before us. I am only discharging the duty which every Member of this House ought to discharge, in stating boldly the convictions I entertain. At this late hour, I will not enter into the question as to how the funds are to be supplied for meeting the educational wants of the country. When we get into Committee, fitting opportunities will arise for considering the Resolutions on this point. I will only state, on this occasion, that I advocate the rate simply for the reason that no other practical mode has been suggested by which the deficiency can be supplied. My noble Friend—not now in his place—the Member for Stamford (Lord R. Cecil), feeling the pressure of this part of the case as to finding funds, said that we ought to ask Parliament to grant the money; but my noble Friend did not tell us what must be the next step. If Parliament granted the amount required, who is to have the administration of it? I believe the question of rating will turn out to be simply a question of business.

Money is wanted. We cannot educate without money. Where is it to come from? At a voluntary meeting the other day, I see it was stated that education in this country was a matter of parental duty. Now, with all respect for those who attended that meeting, I think this further question, whether the industrious classes are in a position to educate themselves without help, might well have been raised. At this moment, under the voluntary system, are the working classes called upon to educate their own children? No. They pay *2d.*, while the education of the child costs 6*d.* a week. And the question of rates was really a question as to where the difference was to come from. Show me a more satisfactory mode, and I shall no longer advocate a rate. I believe you cannot point out a more satisfactory mode. To supply the great defects I have pointed out, you will find practically no other mode than that to which I referred. It may not be this year, but my belief is that the day is not far distant when this plan will be adopted by Parliament. I do not deny that the subject is surrounded with difficulties, but I hope Parliament will meet them boldly, and that they will approach the consideration of the noble Lord's Resolutions in a calm, temperate, and forbearing spirit. I believe that in a few years this House and the country will look back with utter astonishment at the phantoms with which we have so long been contending, and with a feeling that this House and the country ought not so long to have postponed the settlement of this great question, so deeply affecting the interests and welfare of the people.

Mr. HENLEY said, he must beg to explain, that he had not intended to throw the least discredit on Mr. Kay's statement, but merely to say that his calculations were particular, and did not justify general conclusions.

Mr. BARNES moved the adjournment of the debate.

Mr. DISRAELI said, he did not feel authorised to oppose the Motion, but at the same time he must express his astonishment that it should have been made before the House and the country had been afforded the means of ascertaining the views of the Government on a question of such importance. The hour was not so late (a quarter past Twelve), nor was the Committee in such an excited state as to prevent an expression of opinion from Her Majesty's Government; and before assenting to the adjournment of the debate they were therefore entitled to hear what were the views entertained by the Ministry as to the policy that ought to be pursued on a subject of such vast importance as this, which now engaged so much public attention.

Lord JOHN RUSSELL said, he hoped, after the statement of the right hon. Member for Carlisle (Sir J. Graham) made evidently under a total misapprehension of the scope of his (Lord J. Russell's) Resolutions—that his noble Friend at the head of the Government would change the determination he had expressed early in the evening, and allow the debate to be continued on the following day, in order that the House might be put in possession of the real nature of his scheme, and that the opinions of hon. Gentlemen might be elicited upon it before the Government declared the course they intended to take on the subject.

Viscount PALMERSTON said, he had stated early in the evening, in answer to a question, that the Government proposed to go into a Committee of Supply on Friday; but certainly the circumstance to which his noble Friend had alluded—namely, the delivery of the able and powerful address of his right hon. Friend (Sir J. Graham)—was a sufficient reason why the Government should deviate from its intention, and afford the noble Lord the opportunity he naturally desired to reply to the adverse criticism to which his plan had been subjected. He would therefore consent to postpone going into Supply till Monday, to enable the debate to proceed to-morrow.

Mr. DISRAELI said, that both the noble Lord the Member for the City of London and the First Minister had spoken of an understanding which originated before the opening of that debate; but the latter seemed to forget that at the request of hon. Gentlemen on his (the Opposition) side of the House he (Mr. Disraeli) had inquired on the previous day what course the Government meant to take on Friday in consequence of the important discussion on education then impending. It was obvious when he put that question that the debate would be one of some length; it was equally obvious that speeches, and speeches, too, of considerable power and interest, would be made by right hon. and hon. Gentlemen with conflicting opinions, as well as that the noble Lord the author of the Resolutions would in all probability, feel it due to his own reputation to enter into an elaborate vindication of the scheme he had propounded. Yet, with all these probabilities distinctly before his eyes, the First Minister declared, in answer to the question which he had put to him, at the request of the friends with whom he acted, that the Government had made up their minds to go into Committee of Supply on Friday. He had no objection to the noble Lord proceeding with the public business in the manner most agreeable to the Ministry, but it would be highly inconvenient, when inquiries were made for facilitating the course of their procedure, if the head of the Government were to offer replies with the thoughtlessness and disregard of the feelings of the House which had been manifested in the present instance.

VISCOUNT PALMERSTON said, he thought the right hon. Gentleman opposite was really very hard to please. The reply that he had given to the right hon. Gentleman was in no degree thoughtless, but dictated solely by a regard for the interests of the public service. He had yet to learn, however, that the Government were to be precluded from showing the courtesy due to a Member of the House of the eminence of his noble Friend, who, in consequence of the peculiar turn which a debate might take, might be anxious to take the earliest opportunity of replying to statements made against those measures.

Motion *agreed to;* Debate adjourned.

House resumed.

LOCAL CHARGES UPON SHIPPING COMMITTEE.

MR. WILSON moved that the number of Members upon the Committee should be increased to seventeen.

Motion *agreed to.*

MR. WILSON then moved that the name of Mr. Vance should be added to the Committee.

MR. VANCE said, that, as he intended to object to the name of Mr. Kirk, who was about to be proposed as a member of the Committee, he would make his objection at once, in order that he might not be in the invidious position of allowing his own name to be agreed to, and then objecting to that of another Gentleman.

MR. SPEAKER said, that, as the name before the House was that of Mr. Vance, any observations relating to Mr. Kirk would be out of order.

Motion *agreed to.*

MR. WILSON then moved that Mr. Kirk should be added to the Committee.

MR. VANCE said, he objected to Mr. Kirk being placed upon the Committee, not because he doubted that hon. Member's intelligence, or his general fitness to act upon Committees, but because he was already upon an important Committee—that to inquire into the Court of Chancery in Ireland, and had made a speech strongly against the maintenance of local dues. Dublin and Cork were the only places in Ireland which would be affected by the Bill. He therefore thought that one of the hon. Members for the latter place ought to be upon the Committee, and should move that the name of Mr. Beamish be substituted for that of Mr. Kirk.

Amendment proposed, to leave out the name of Mr. Kirk, in order to insert the name of Mr. Beamish instead thereof.

MR. LOWE said, he hoped that the House would not agree to the Amendment. There were in Ireland but two towns—Dublin and Cork—which were interested in the maintenance of local dues. The hon. Member for Dublin had just been appointed a Member of the Committee, and he now asked that the other Gentleman from Ireland, who was a member of the Committee, should be connected with a constituency whose interests were adverse to the measure. The manufacturing interests of Ireland were largely involved in the abolition of those dues, which, to some extent, operated as an export duty upon manufactures, and it was but fair that that interest should have a representative upon the Committee.

MR. GROGAN said, that the Committee was a partisan Committee intended solely to enable the right hon. Member for Kidderminster (Mr. Lowe) to bring in a similar measure for abolishing local dues on shipping to that which he had formerly proposed and withdrawn. The Committee, as originally proposed, consisted of fifteen Members, only five of whom were connected with sea ports.

MR. RICHARDSON said, he hoped the name of Mr. Kirk would be retained on the Committee.

MR. BEAMISH said, that, although he conceived the Irish ports which were interested in the subject should be duly represented on the Committee, he did not wish his name to be substituted for that of Mr. Kirk.

Question put, "That the name of Mr. Kirk stand part of the Question."

The House *divided:*—Ayes 73; Noes 94: Majority 21.

Question, "That the name of Mr. Beamish be inserted instead thereof," put, and *agreed to.*

Main Question put, and *agreed to.*

Ordered, That Mr. Beamish be added to the Committee.

TRANSPORTATION COMMITTEE.

Colonel DUNNE said, he would now beg to move that the name of Lord Naas be substituted for that of Mr. Scott upon this Committee; he wished also to state that Mr. Scott had authorised him to say that he did not wish to serve.

Sir GEORGE GREY said, he had a Motion on the paper to substitute the name of Mr. Monckton Milnes for that of Mr. Scott. He would beg to explain that in forming the Committee he had endeavoured to select the names of hon. Gentlemen on both sides of the House who had taken an interest in the subject of transportation. Mr. Scott having always manifested an interest in the question, and having brought it under the notice of the House, he had placed that Gentleman's name on the Committee. He subsequently showed the list of the Committee to Mr. Scott who generally expressed his satisfaction. The list was placed upon the table, and was actually in print before he received a note from Mr. Scott, requesting that his name might be omitted. On the next evening, in his (Sir G. Grey's) absence, the Committee was moved, the name of Mr. Scott still remaining on the list; but, had he been present, he would have moved the substitution of some other Gentleman for the hon. Member for Berwickshire (Mr. Scott). It had been said that there were no Irish Members on the Committee. That was a mistake; there were two, but only one Scotch Member. The name of the hon. Member for Sligo had been substituted for that of the noble Lord the Member for Coleraine, who, as he understood, had declined to serve. Hence it was that he had given notice to place the hon. Member for Pontefract (Mr. M. Milnes) on the Committee in lieu of the hon. Member for Berwickshire.

Mr. WALPOLE said, that when he suggested that the hon. Member for Sligo should be placed on the Committee he did not intend that he should be substituted for the noble Lord the Member for Coleraine (Lord Naas).

Mr. MONCKTON MILNES said, he hoped that the House would not find it necessary to divide. The noble Lord the Member for Coleraine had held high office with distinction, and was well qualified to render valuable assistance to the Committee. His nomination, therefore, should be agreed to at once.

Mr. Scott discharged from further attendance on the Committee.

Lord Naas added to the Committee.

The House adjourned at a quarter after one o'clock.

HOUSE OF LORDS,

Friday, April 11, 1856.

Minutes.] *Took the Oaths.*—The Lord Bishop of Cashel, Emly, Waterford, and Lismore.

Public Bills.—1ª Clergy Offences; Divorce and Matrimonial Causes.

Royal Assent.—Commons Inclosure; Turnpike Trusts Arrangements; Delamere Forest; Secretary to the Poor Law Commissioners (Ireland); Out-Pensioners (Greenwich and Chelsea); Trial of Offences.

Their Lordships met; and having gone through the business on the Paper, House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 11, 1856.

Minutes.] Public Bills.—1° Agricultural Statistics; Exchequer Bills (£21,182,700).

ST. JAMES'S PARK—QUESTION.

Mr. LLOYD DAVIES said, he would beg to ask the Chief Commissioner of Public Works whether he intended to carry out the plan suggested by the Committee for opening the communication from St. James's Park to Waterloo Place; and whether the recommendation of the Committee that the Duke of York's monument should be removed had been fully considered by the Government?

Mr. MACARTNEY said, he wished to add another question—namely, whether the attention of the Government had been, or would be, directed to the advantage of opening a carriage way from Queen Square through the present gates into the Birdcage Walk, in connection with the other improvements in St. James's Park?

Sir BENJAMIN HALL: In answer, Sir, to the first question, I beg to say that some day next week I shall state to the House how much of the recommendations of the Committee the Government proposes to carry out; and I will take care that the statement shall be made previously to the consideration of any Estimates that may be presented on the subject. Aware that much objection has been offered to the suggested removal of the Duke of York's column, I measured the ground myself. I find that there are twenty-two feet on each side of the monument; so that in case the road is proceeded with, the column might remain, if such should be the pleasure of the House, and the road be constructed on either side. In reply to the second inquiry, I have to observe that the project of opening a carriage way from Queen's Square through the present gates into the Birdcage Walk is not a matter which ought to rest with the Government. It falls within the province of the Metropolitan Board of Works and the Westminster Commissioners, and, should either think fit to submit to me a plan for removing the houses at their own expense, I will take care it shall be attentively considered by the Government.

STATUTE LAW COMMISSION—QUESTION.

Mr. LOCKE KING said, he would beg to ask the right hon. Member for the University of Cambridge whether section 6 in the Appendix No. 2 of the Report of the Statute Law Commissioners of 1855, which contained remarks by Mr. Bellenden Ker, apparently with the implied sanction of the Commissioners, on the propriety of that House having ordered the expurgatory list of the statutes to be printed, was added to that Report with the knowledge and authority of the Commissioners? He would also put the same question with regard to the remarks made by Mr. Bellenden Ker (in the above Appendix to the Report dated the 9th day of July) on the Resolution passed by that House on the 19th day of June, that a declaratory Bill ought to be forthwith prepared, of which the expurgatory list should form the groundwork; and also the same question with regard to section 7 in the same Appendix, in which the Personal Estates of Intestates Bill, after it had passed that House, was denounced by Mr. Bellenden Ker?

Mr. WALPOLE said, he had explained on a former occasion the cause of the mistake, for such it was. The papers in question had been appended to one of the Reports of the Statute Law Commission, for the private use of the Commissioners, without any intention to publish them; and the Gentleman who prepared the index, not being aware of that fact, included them in the publication. He (Mr. Walpole) expressed his regret at the publication, but at the same time he felt confident that no injury could accrue to any of the Gentlemen, whose names were mentioned, from the mistake. There was no intention whatever of reflecting on any of the persons who were referred to in these papers.

Mr. HADFIELD said, he wished to know whether the mistake was that of the Commissioners, or of the party who produced the documents? If the latter, he thought it was a matter that required attention, for it seemed to him a great breach of privilege that a paid servant of that House should interpolate such documents among papers presented to the House.

Mr. WALPOLE said, he could assure the hon. Gentleman that it was a mistake of the Commissioners, which he very much regretted had occurred.

THE COLLEGE OF PHYSICIANS—QUESTION.

Mr. KINNAIRD said, he would beg to ask the right hon. Baronet the Secretary of State for the Home Department, whether it was the intention of Her Majesty's Government to grant a new Charter of Incorporation and Act to the Royal College of Physicians of London; and, if so, whether they were likely to be granted during the present Session of Parliament?

Sir GEORGE GREY said, that a petition had been presented by the Royal College of Physicians, praying that their charter might be amended, which it was desirable should be granted, so as to enable them effectually to carry out certain requirements of the medical Bill of the hon. Member for Newcastle (Mr. Headlam) which had then been read a second time. That Bill had now been referred to a Select Committee, and therefore the Government had come to no decision with regard to the charter, as it was desirable to wait for the Report of that Committee.

SUNDAY LABOUR IN DOCKYARDS—QUESTION.

Captain STUART said, he wished to ask the right hon. Gentleman the Clerk of the Ordnance whether it was the fact that the operatives in the Royal dockyards and arsenal at Woolwich still continue to be employed on Sunday; and whether the responsibility of commanding such employment rested with the heads of departments at Woolwich, or with the authorities of the War Office.

Mr. MONSELL said, that as regarded

the dockyards at Woolwich he had no answer to give to the question, as it belonged to the First Lord of the Admiralty to do so. With regard to the arsenal at Woolwich, he, in the first place, must protest against the inference which the question involved, that it had been a custom in the arsenal during the two years of the war to employ a large number of men on Sundays. It was only under certain special circumstances, during a very limited time, that such a thing occurred, and no person was ever during the greatest pressure of the war employed permanently on Sundays. On two occasions some persons were employed for a few hours on Sundays, in the carriage department; and on Easter Sunday, in consequence of the breaking of some machinery, which was much required, a few persons were also employed.

Sir CHARLES WOOD said, that as regarded the dockyards at Woolwich, it was not true that men had been employed on Sundays.

Mr. HORSFALL said, he would also beg to ask the First Lord of the Admiralty what were the circumstances which led to the employment of a large number of workmen in the dockyard at Portsmouth on Sunday last, and whether he would give directions for the discontinuance of such a procedure for the future?

Sir CHARLES WOOD said, the circumstances under which the men were employed were these. A certain amount of work had been contracted for by contractors, to be done in the dockyard within a certain time, and the contract could not have been completed unless the workmen had been employed on Sunday; and it was permitted, as he thought very unfortunately, but orders had been given to stop such proceedings in future.

Mr. NAPIER said, he had a notice on the paper to the effect that he would call the attention of the House to the compulsory employment of the workmen at Portsmouth on Sunday last in the dockyard, under an order given by those in authority over them; that he understood that nearly 1,000 men were so employed, contrary to their convictions of what was right; and that they were employed, not in any work of necessity, but in getting ready gun-boats for the approaching naval review. The petition on the subject was signed by ten incumbents of Portsmouth, and by the Wesleyan and Baptist ministers, and they expressed their opinion that the example, besides being objectionable in itself, might lead to dangerous results. After the expression of opinion which had taken place in that House on the question of the observance of Sunday, the disregard of it in the instance in question was greatly to be regretted.

REFORMATORY SCHOOLS—QUESTION.

Lord ROBERT CECIL said, he would beg to ask the Secretary of State for the Home Department, whether the Government had come to any final decision as to the amount of weekly allowance to be made by the Treasury to certified reformatory schools in respect of juvenile offenders committed to them?

Sir GEORGE GREY said, that in consequence of representations made to him by a deputation which had waited on him on the subject, he had addressed circulars to the managers of all the certified reformatory schools, in order that he might ascertain what the expense of the schools was, that some regulation might be made as to the allowance by the Treasury. He had received Returns from some of them which were very incomplete, and no Returns had been yet sent by others; and until he received the necessary information it was impossible to recommend any alteration of the grant to the Treasury. As soon as he was in possession of it he would give an answer to the noble Lord.

PUBLIC BUSINESS.

Viscount PALMERSTON said, that, pursuant to notice, he would now move—

> "That upon Thursday, the 29th day of May next, and on every succeeding Thursday during the present Session, Government Orders of the Day shall have precedence."

He might, perhaps, be allowed to say that he made this Motion in conformity with the precedents of former years; as it was a practice which was found to conduce to the convenience of the business of the House, and tended in some degree to advance the public business at a period of the year when it was desirable the Session should come to an end. He hoped the House would agree to the Motion, following the example set in former Sessions.

Motion *agreed to.*

CUSTOM HOUSE REGULATIONS—QUESTION.

Mr. HORSFALL said, the hon. Gentleman the Secretary to the Treasury had stated the other evening, that orders would be sent to the outports permitting the exportation of certain descriptions of manufactured articles. He understood that such orders had not yet been received in Liverpool, and he wished to know whether the instructions to which the hon. Gentleman referred had been sent to that port?

MR. WILSON in reply said, that it was true he had stated on Monday that orders would be sent to the outports for the purpose of enabling merchants to ship particular descriptions of goods without bonds. In accordance with that promise such orders were sent to the outports on Tuesday evening. A Privy Council was held on Wednesday, at which an Order in Council was agreed to, revoking all former Orders in Council on the subject, and that Order appeared in the *Gazette* on Wednesday night. The Order was sent to the Custom House on Thursday morning, with instructions that it should be immediately transmitted to the outports. The earliest opportunity of transmitting the Order was by last (Thursday) night's post, and the earliest period at which it could be received at the outports was that (Friday) morning. He thought the hon. Member for Liverpool must have confounded the first order with the second.

MANAGEMENT OF PRISONS.

On the Motion that the House at its rising do adjourn till Monday,

MR. BOWYER said, he wished to put a question to the right hon. Baronet the Home Secretary which affected, not Roman Catholics only, but every class of Her Majesty's subjects who did not belong to the Established Church. It related to the free access of ministers of religion, not belonging to the Established Church, to prisoners in gaols belonging to their own denominations. Though the specific case of which he had given notice was that of Pentonville Prison, the principle was a general one, and affected all the gaols in England. At the present moment, when the question of prison discipline was attracting so much attention, he considered that the House would not treat with indifference the access of ministers of religion to persons who, more than any other class of Her Majesty's subjects, required the consolations of religion. He would state the facts from a Return made last Session of a correspondence between the Home Office and Canon Oakeley, the Roman Catholic clergyman who attended the Roman Catholic prisoners in Pentonville Prison. It appeared that in 1852 a list of all Roman Catholic prisoners then under confinement in Pentonville was delivered to the priest. It contained between seventy and eighty names, and those persons he accordingly visited in the discharge of his religious duties. In 1853 and 1854 he applied again for a list of the prisoners of his own persuasion then under confinement, but he was refused. Accordingly, he wrote to the right hon. Gentleman the Secretary of State for the Home Department, and the answer he received was, that his request could not be complied with, because it would be contrary to the spirit of the statute 4 *Geo.* IV. c. 64. He begged to call the attention of the House to the very words of that Statute. By section 31, it was provided—

> "That any person, whose religious persuasion should be different to that of the Established Church, should be permitted, at his own request, to receive the services of a minister of his own denomination at such seasonable times as should be fixed by the visiting Justices."

The right hon. Gentleman the Secretary of State for the Home Department said in his letter that, to allow ministers of religion, not of the Established Church, to have access to prisoners, without such request of the prisoners, would be contrary to the spirit of the Act of Parliament. Now, when people talked of the spirit of an Act of Parliament, there was generally a screw loose somewhere. The spirit of a statute might justify anything, and whenever an Act was to be construed contrary to its plain and obvious meaning, great stress was laid upon what was called its spirit. But he defied any lawyer to say that the 4th of *Geo.* IV. c. 64, had the effect which the Home Office supposed it had. The clause gave to every Dissenter or Roman Catholic prisoner a right to call for the assistance of a minister of his own denomination; but it had no restrictive words, and, he contended, left it open to the authorities of a prison to permit access to prisoners precisely as before the Bill was passed. He held, moreover, that the construction put upon the statute by the authorities at the Home Office was contrary to the principles of civil and religious liberty. It was a restriction upon the religious rights of persons confined in gaols, and clearly prejudicial to the management of the prisons themselves, for he felt assured that the Home Secretary would admit that in the government of gaols there was nothing more useful than the ministrations of the clergy of the different denominations to which the prisoners belonged. Canon Oakeley, the priest officiating at Pentonville Prison, did not complain of any want of courtesy or liberality on the part of the authorities of the prison; on the contrary, he had always found them ready to assist him in the discharge of his religious duties, and to avail themselves of his services in the management of the prison. In many instances, before the resolution to exclude ministers of religion was adopted, they asked him to visit refractory prisoners, and thanked him for the assistance which his influence gave them in maintaining order in the prison. He would now state one case which bore out all he had said. On one occasion Mr. Oakley was requested by the parents of a prisoner to visit their son in Pentonville Prison. He was so bad, they added, that he would never ask to see a clergyman, but they were most anxious that he should at least have an opportunity of benefiting by the instructions of a minister of his own persuasion. What was the result? The authorities refused to admit Mr. Oakley, thinking that by the construction put upon the Act by the Home Office they were precluded from allowing access to a prisoner who had not requested the presence of a clergyman. Perhaps it might be said that all prisoners were visited by chaplains of the Established Church. Now, he was not disposed to undervalue the services of those rev. gentlemen; but he submitted that chaplains of the Established Church were not likely to be of any use to Roman Catholic or Dissenting prisoners. He now begged to ask the Home Secretary, whether he still adhered to the opinion that by the 4 *Geo.* IV. c. 64, the authorities of prisons were precluded from affording ministers of religion, not connected with the Established Church, access to prisoners belonging to their own denominations; and, whether he would take the opinion of the law officers of the Crown in order that the question might be clearly decided? If the Home Office adhered to its construction of the statute, he would bring in a Bill for the purpose of altering the law, and he was satisfied that he would have the support not only of those who professed his own belief, but also of all the Dissenting members of the House of Commons, as well as of those who valued the principles of civil and religious liberty.

Mr. A. PELLATT said, that before the right hon. Baronet answered the question, he would beg to state that it was a common complaint among Dissenting ministers that they had recently been deprived of the liberty which they formerly possessed, to visit, not only prisoners in gaols, but the inmates of workhouses. He thought that was a grievance which ought to be remedied.

Sir GEORGE GREY said, he was sure that his right hon. Friend the President of the Poor Law Board would be glad to answer any question which the hon. Member for Southwark might put to him with respect to the admission of Dissenting ministers to Union workhouses. With regard to prisons, nothing had been done which the law did not sanction, and, if there was anything to blame, the fault lay with Parliament itself, and not with the Home Office. He might remind the hon. and learned Member for Dundalk that the question was raised a few years ago by the Bill brought in on the recommendation of the Middlesex magistrates for the establishment of reformatories. During the progress of the Bill through that House, a clause allowing the access of ministers of religion to prisoners not members of the Established Church was introduced in Committee, but was struck out in the other House; and, upon the return of the Bill, the Amendment of their Lordships was agreed to by a majority. He had communicated to Mr. Oakeley that care should be taken that district and explicit notice should be given to every prisoner who was supposed to be a Roman Catholic that he would be entitled to be visited by the priest of his own religion if he desired to be so, but he found by the Act 4 *Geo.* IV. c. 64, that a prisoner could not have the service of a minister of his own denomination unless he made a request for that purpose. He was anxious to give every facility which the law enabled him in this matter, but he was not disposed to agree to the proposition of the hon. and learned Member.

ARMY CHAPLAINS—QUESTION.

Sir De LACY EVANS said, that the question which he had to put was one of such importance, and recommended itself so strongly to the feelings, that he trusted he should be excused if he trespassed for a few moments upon the attention of the House. The chaplains with the army in the East had had a more arduous duty to perform than the chaplains in any other war of the same duration; and, as he had had personal knowledge of the exemplary and admirable manner in which those rev. gentlemen had discharged their important functions, he thought that it was his duty to bring the subject of their meritorious, but ill-requited, services before the House. The army at present consisted of 200,000 men, while there were only eleven chaplains and one chaplain general upon the army list. As four of those chaplains, however, were in garrisons, there were, in point of fact, only seven chaplains with the entire army in the field. There were gentlemen, perhaps, who might think that religious provision for the army was not at all necessary. He hoped there were few such; but, at all events, as the Government had admitted the principle by appointing a certain number of chaplains, it was not necessary for him to dwell upon the point. There were only four garrisons in the United Kingdom to which chaplains were allowed—London, Dublin, Plymouth, and Chatham. He did not suppose that it would be requisite to have chaplains for every detachment of troops; but there were other garrisons besides those four which, in his opinion, certainly ought to have the benefit of the presence of a chaplain. He was aware that, for purposes of economy, it was the habit in some cases for the clergyman of the adjoining parish, in consideration of a guinea or so addition to his income, to perform the duties of chaplain; but it often happened that this clergyman had a large parish of his own to attend to, and that, possibly, he had no qualifications whatever for ministering to military forces and to the peculiar wants of soldiers. One very severe cause of complaint was the extremely small remuneration which army chaplains received. They might serve several years —ten, he believed, at least—without receiving a commission; and when they had received their commissions it was not till after a great length of service that they were entitled to a trifling and altogether inadequate retiring allowance. On the subject of the claims and merits of the army chaplains he might appeal with confidence to his right hon. Friend behind him, who had filled the office of Secretary at War when the war commenced, and who, though he could not have the personal knowledge which he (Sir De L. Evans) possessed upon the subject, had yet a sufficiently adequate knowledge of their merits. Not the smallest public recognition had been made of the services of those persons, and no despatches had acknowledged their great merits. Under these circumstances, he wished to ask the First Lord of the Treasury what recognition, if any, might be hoped for in respect to the services of the chaplains of the army during the war.

VISCOUNT PALMERSTON: I have great pleasure in concurring with my hon. and gallant Friend in the tribute of just eulogium which he has passed upon those Gentlemen who have performed such eminent and distinguished services for the army in the East. The chaplains, whether of the Church of England, whether of the Presbyterian persuasion, or of the Roman Catholic, have vied with each other in the zealous performance of their duty, and the success which has attended their efforts has been attested by the invariable good conduct of the troops. Those Gentlemen spared no pains to carry on their good work, and shrank from no exposure to the dangers of the hospital or of the field, while, at the same time, they displayed to the world the highest example of Christian charity, being the best practical comment on the religion they professed. I can assure my hon. and gallant Friend that neither the Government at large nor my noble Friend Lord Panmure are insensible to the merits of those Gentlemen. Some of them have already received appointments since their services in the East have concluded, and the remainder will, no doubt, be kept in view by my noble Friend for appointments as vacancies may arise. Now, as regards home service, my hon. and gallant Friend has correctly stated that commissioned chaplains are only appointed at garrisons where large bodies of troops are stationed, but, at the same time, Divine service is not neglected where there are smaller detachments, but is performed by the clergymen of the neighbourhood; and I have never had any reason to believe that that system is insufficient to provide for proper spiritual aid to the troops. I can only assure my hon. and gallant Friend that the services of those meritorious gentlemen are not overlooked by the Government, and we shall be glad to take any opportunity that may arise of evincing our high sense of them.

MR. SIDNEY HERBERT said, he wished to state his entire concurrence in all that had been said with respect to the admirable conduct of the chaplains employed with the army during the war. It would give the House some idea of the dangers to which those gentlemen had been exposed, when he told them that no fewer than nine of them—five being clergymen of the Established Church, and four of the Church of Rome—lost their lives during the brief period of the war, by fatigue and exposure to fever and other epidemic diseases. He rose, however, to throw out a suggestion to Her Majesty's Government. There might be some difficulty in conferring honours in the shape of decorations upon clergymen, but in other services such honours were conferred on military chaplains in the same manner as we conferred decorations on officers employed in the Commissariat. Now, we had had during the war the services of many clergymen in the Crimea, and it could not be said that they had been induced to undertake those services in expectation of any great emolument, as they received only £200 a year with the military allowances which they required to enable them to keep with the army in the field. Now that the war was over, many of those gentlemen, on their return home, would have no resources to fall back on. He apprehended that their services entitled them to public gratitude. Now, the Lord Chancellor had the patronage of no fewer than 800 benefices, and he (Mr. Herbert) was bound to say that no person could more conscientiously inquire into the qualifications of those gentlemen on whom he bestowed benefices than did the distinguished nobleman who now occupied the woolsack; but, at the same time, those benefices were given away, not in reward of public services, but indirectly, as the reward of legal services; but here there was a direct claim on the score of public services, and he did hope that Her Majesty's Government would see that some portion of the Church patronage vested in the Lord Chancellor might be dispensed among those clergymen who had served in the East; and further, that as in the new distribution of the troops on their return from the war, their quarters would be more centralised, Government would find room for the appointment of a larger number of commissioned chaplains.

Mr. NEWDEGATE said, he wished to say a few words on the proposition for giving the chaplains some mark for their services in the army. He knew one clergyman, a friend, who went out to the army in the Crimea from no hope of advancement, but only from a sense of duty; he was now numbered with those who would reap their reward elsewhere. If Her Majesty's Government gave a mark of recognition to chaplains the families of the dead ought to have the gratification of receiving from the country something in the way of acknowledgment of the services of those who died in the discharge of their duties. He trusted the subject would be pressed on the attention of Her Majesty's Government, and that when doing justice to the meritorious living they would not forget the dead.

THE CRIMEAN BOARD OF INQUIRY—QUESTION.

Mr. PALK said, he would take advantage of the Motion for the adjournment of the House to repeat a question, which he had already twice put to the Government, with respect to the report of Sir John M'Neill and Colonel Tulloch. The reply given to it on the first occasion by the hon. Gentleman the Under Secretary for War conveyed to the House even less information than they usually obtained from that hon. Gentleman's answer. He then gave notice of a Motion to refer the Report to a Committee, but the Government soon afterwards advised Her Majesty to appoint a Court of Inquiry. He was at first under the impression that the Court was appointed to inquire into the disasters said to have befallen our army in the Crimea in consequence of insufficiency of shelter, inadequacy of supplies, and the total prostration of the Commissariat; and he was extremely surprised to find that when the President asked for the names of the officers regarded by the Horse Guards as implicated in the Report, the names of four officers were given, neither of whom had anything whatever to do with the Commissariat. He, therefore, again asked the Government whether the Court would inquire into the allegations contained in the Report, and he had to thank the noble Lord the First Minister for the courtesy he had shown in suggesting and answering a question of his own instead of the one put to him. The noble Lord stated that every officer who felt himself aggrieved would have an opportunity of defending his character, a statement that he should never have called upon the noble Lord to make, well knowing that the noble Lord would be the last man to eke out different measures of justice to officers of different ranks. The question he did put to the noble Lord was, whether the statement of Sir John M'Neil that the strength of the army gave way under excessive labour and privation was to remain uninvestigated, and our army was to be entrusted, on future occasions, to that Commissariat which had so signally broken down? He thought that question ought to have received a fair and straightforward answer, or that the Minister ought to have stated that it would be injurious to the public service to give it an answer. But he must protest against the practice of evading questions put to the Government—a practice which created great dissatisfaction out of doors. If a case of sudden death happened in this country—if even an infant died in consequence of neglect, the law directed that a full inquiry into such death should take place; and therefore, after the Report of Sir John M'Neill and Colonel Tulloch, who were directed especially to inquire into the Commissariat, that 35 per cent of the army present in the Crimea from the 1st of February, 1854, to the 30th of April, 1855, died—not in consequence of anything peculiarly unfavourable in the climate, but from overwork, exposure to wet and cold, improper food, and insufficient shelter from inclement weather—he felt justified in asking whether that Report was to remain unnoticed, or whether it would be the duty of the Court of Inquiry now sitting at Chelsea to examine into the charges he had specified?

Mr. FREDERICK PEEL said, whenever a question was put to him he endeavoured to give it as plain and straightforward an answer as possible, and to convey to the House all the information he possessed upon the subject to which it referred. He understood the hon. Gentleman to ask whether it would be the business of the Board of General Officers sitting at Chelsea to inquire into the causes of the disease and mortality which befell our army in the Crimea? He did not conceive that it would be within the province of that Board to initiate any inquiry into the causes of such disease and mortality, except in as far as it might grow out of the case of any officer whose conduct was under investigation. The duties of the Board were defined in the warrant by which it was constituted—they were to receive the statements of any officers who thought themselves aggrieved by the allegations in the Report of the Commissioners. Several officers had announced their intention to go before the Board and make statements in vindication of their conduct, and the cases of those officers were being taken in turn. With regard to the Commissariat, the reply of Mr. Filder to the Report which had been laid before the House had been referred by the Government to the Board, and it was open to the late Commissary General to go before the Board and make any statement he pleased.

UNION-HOUSE BOYS AND THE NAVY—QUESTION.

Colonel HARCOURT said, he wished to repeat a question which he had put last month to the First Lord of the Admiralty, and to which he had received rather an unsatisfactory answer. It was, whether any order had been issued with reference to the non-admission of boys into the navy from unions? The right hon. Baronet told him that no such order had been issued, but he could not reconcile that statement with a communication received by the clerk of the union of which he was a member from the commanding officer of the *Victory*, in answer to an application upon the subject. That communication, dated February 19, 1855, was to the effect that boys from houses of industry could not be received. Now, if the right hon. Baronet the First Lord of the Admiralty did not know whether any order on the subject had been issued, he ought to have said that he would make inquiry; but if he was aware that there was such an order in existence his conduct was still more reprehensible. A short time ago there appeared in *The Times* a paragraph stating that, complaints having been made as to the non-admission of boys into the navy from unions, an order had been issued for their admission. That showed that an order was given upon this very point; and it also showed what was the impression which had gone forth to the country upon the subject. The right hon. Baronet the First Lord of the Admiralty said he could not find that any such regulation had ever existed, but he (Colonel Harcourt) had shown that it did exist.

Sir CHARLES WOOD said, it was true the hon. and gallant Gentleman did, on a former occasion, ask him a very simple question, to which he gave a straightforward answer. The hon. and gallant Gentleman asked whether any order had been issued by the Admiralty against the admission of boys from the workhouses to the navy. He (Sir Charles Wood) did not evade the question in the slightest degree. He inquired at the Admiralty whether any such order had been issued, and, finding there had not, he answered the hon. and gallant Gentleman accordingly. He did not know how he could have more clearly stated the fact. Nor did he now know how he could make the fact clearer to the apprehension of the hon. and gallant Gentleman. There was no order from the Admiralty in existence against receiving boys from workhouses into the British Navy. He did not, however, think it desirable that boys should in large numbers be admitted from workhouses into the navy, as it might operate prejudicially to the entering of other boys into the naval service; but he could only repeat that there was no order against it.

CUSTOMS' ESTABLISHMENT, LIVERPOOL.

MR. HORSFALL said, there seemed to prevail a general complaint of the unsatisfactory answers given to questions put to Ministers in that House. Just before the recess he put a question to the hon. Gentleman the Secretary of the Treasury having reference to the Customs' establishment at Liverpool, the answer to which was unsatisfactory. It was a question not affecting Liverpool alone. All the manufacturing places in Lancashire and Yorkshire were interested in it. They had a large amount of property intrusted to the officers of that establishment, and they all knew what the consequences generally were when men were inadequately paid. The question which he had asked the Secretary of the Treasury was, whether any Commissioner had been sent, or was intended to be sent, to Liverpool, to inquire into the complaints which had been preferred as to the inadequacy of the pay of a large body of men at the Customs' establishment of that port. The answer of the hon. Secretary was, that no such Commissioner had been sent, or was intended to be sent; that he (Mr. Horsfall) was very unreasonable, and that more had been done for the port of Liverpool than for any other port in the kingdom; that the Long Room had been revised and the salaries of the clerks had been raised; and when he (Mr. Horsfall) ventured to give an expression of dissent from that statement, the hon. Gentleman the Secretary of the Treasury said, in a somewhat triumphant manner, "The hon. Gentleman must allow him to know best, he having the papers before him." As he (Mr. Horsfall) was not in the habit of asking unreasonable questions, he would shortly state the grounds on which he put his question. After repeated complaints had been made of the inadequacy of the pay of the lower officers in the Liverpool Customs' establishment, it was suggested that a Commissioner should be sent down to inquire into the subject; and his hon. Colleague on the other side of the House and himself addressed a letter to the Lords of the Treasury, respectfully submitting this to their consideration. They pointed out that this was the course which had been pursued by Lord Canning in reference to the Post Office of Liverpool, and which resulted in a settlement which was not only satisfactory to the mercantile interest, but to the clerks of the establishment itself. Six weeks elapsed and, no acknowledgment having been received, he called at the Treasury, when the Secretary stated that an answer had been sent. At that time his (Mr. Horsfall's) colleague was on the continent—he did not know but that it might have been received by him; but, finding that no such answer had been received at the end of two months, they addressed another letter to the Treasury. Well, they at length got an answer, stating that the matter was under consideration. It was not till six months afterwards that he put the question in his place in that House to the Secretary of the Treasury, when he, who represented nearly 500,000 of the population of the country, was to be told that the question was unreasonable; and that more had been done for the port of Liverpool than for any other port in the kingdom. He thought the hon. Gentleman made a slight mistake in that respect. It was the port of Liverpool which had done more for the Treasury than any other port in the kingdom, and it had done more for the revenue than any other port, and was therefore entitled to some consideration, and ought to have its Customs' establishment placed on a proper basis. But the hon. Gentleman said the Long Room had been revised and the salaries of the clerks had been raised. What had that to do with the complaint which had been preferred? The complaint spoke of the lower grades of officers, and the hon. Gentleman tells the House that he (Mr. Horsfall) was very unreasonable in not being satisfied, because the higher grades of clerks in the Long Room had had their salaries raised. But what was the fact, even with regard to those whom the hon. Gentleman had brought forward? Justice had not been done even to them. Compare their position with that of the clerks in the Long Room in London. In London they had sixty-six clerks, seven of whom have £500 per annum; whilst in Liverpool they had thirty-six clerks, who did at least three-fourths as much work as the sixty-six clerks in London, and yet Liverpool had only one clerk at £500 per annum. The hon. Gentleman had said that he (Mr. Horsfall) must allow him to know best; but with all respect for the hon. Gentleman and for his general attention to the commercial interests of the country, he ventured to say that he (Mr. Horsfall) knew more of the working and the requirements of the Liverpool Custom House establishment than the hon. Gentleman did; and if the necessary Returns for which he intended to move were granted to him he would undertake to show that great injustice had been done to officers of the Customs, especially of the lower grade, at Liverpool, not only with regard to pay, but with regard to what are termed merit promotions.

Mr. WILSON said, he must appeal to the House whether it was possible for the public service to be conducted if such a course as the hon. Gentleman had pursued were generally adopted. What had the Treasury to do with the Customs or any other department but to administer the laws of the country through men in whose high honour and judgment they could have confidence? And if hon. Gentlemen were to come, not only to the Treasury but to that House, with the cases of officers serving in those departments, he would ask them to consider how long the heads of those departments would have any weight or influence with those serving under them? In the course of last autumn, for the first time since he had had the honour of being at the Treasury, he received a communication from the hon. Gentleman (who was Member for the borough and one of the first merchants of Liverpool) and from his hon. colleague (Mr. J. C. Ewart), bringing before the Treasury the claims of some officers in the Customs for increased remuneration. The universal rule was, that subordinate officials should come to the Treasury only through their superiors, and the propriety of such a regulation must be obvious to the House. Least of all was it decent that they should approach the Treasury through the influence not only of their Members, but of persons carrying on a large business in the towns where they were stationed. He stated that as a general principle, without applying it to the hon. Member who had brought the question forward. As to the hon. Member not having received any answer to his communication, he could not account for it. He told the hon. Member the answer had been sent, and from that day to this he had never heard that it had not been received.

Mr. HORSFALL said, a second letter was sent, informing the hon. Gentleman that no answer had been received.

Mr. WILSON said, he had never seen that letter. With regard to the complaint, a surveyor general of the Customs had just returned from Liverpool, and his report was extremely satisfactory, both as to the feeling of the lower grade of officers and as to the working of the system. He was unwilling to go into details. He was satisfied that that was not the place in which he ought to do so, and he thought he should be justified in declining to entertain questions of that kind on Motions for the adjournment of the House. If those persons applied to the Commissioners of Customs, and through them to the Treasury, in the ordinary way, every possible attention would be given to their claims.

IRREGULAR DISCUSSIONS.

Sir JOHN PAKINGTON said, he wished to make a serious appeal to Her Majesty's Government, and more especially to the noble Lord the First Minister of the Crown, whether it was for the convenience and advantage of that House that they should continue the practice of allowing desultory debates upon an unlimited number of subjects on the Motions for the adjournment of the House. If it were the opinion of the House that the advantages of the system predominated he should be ready to yield to that feeling, but his own opinion was exactly opposite. That evening no less than eight subjects had been brought under the notice of the House, and last Friday Her Majesty's Government were reduced to the absurd position that, when an hon. Friend of his put a question to them, they were unable to answer because all the Members of the Government had already spoken upon what, by courtesy, was called "the question." It appeared to him that they ought to take one course or the other; either organise the practice and reduce it to something like shape and regularity, or resume what was formerly the practice of the House, and was still the practice with regard to questions on other occasions—that questions should be asked without the power of making speeches and raising debates upon them. The contrary practice had now reached such a height that he hoped the Government would consider it.

VISCOUNT PALMERSTON, who had already spoken on the question of adjournment, said, he was in the unfortunate position to which the right hon. Baronet had alluded.

Motion for the adjournment of the House till Monday was then *agreed to.*

NATIONAL EDUCATION—ADJOURNED DEBATE.

House in Committee.

Question again proposed—

> "That, in the opinion of this Committee, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education."

Whereupon Question again proposed, "That the Chairman do now leave the chair."

LORD JOHN RUSSELL: I read, Sir, the other day in a newspaper an account of an examination of a witness before the Crimean Inquiry now proceeding, in which a witness, having been asked by Lord Lucan whether he was not surprised to hear a certain statement, replied "I am not surprised at anything." This *nil admirari* state of mind is exceedingly philosophic, and I shall endeavour to imitate it. But I own I was somewhat surprised at the speech made by the right hon. Gentleman (Sir J. Graham) yesterday evening. If anything could excite surprise it would be that speech. That Mr. Baines, whose pamphlet had the benefit of my right hon. Friend's comments and commendations, should praise the voluntary principle is perfectly natural, but that my right hon. Friend, after having served on the Education Committee of the Privy Council—after having taken part for years in the proceedings of that council—should come here to proclaim the voluntary principle, and obtain the cheers of all those who are the friends of the voluntary principle, does, I confess, strike me with unfeigned surprise. Let us consider a little what this voluntary principle is. In the first place, it is a principle which has never been adopted by any nation. There was no republic, before republics were destroyed—neither Holland, Genoa, nor Venice—which had not some kind of establishment for the purpose of teaching and inculcating religion and morality. In all the countries of Europe, at present, there exists some establishment for that purpose. We differ from the United States of America in this—that we have a Church Establishment and no School Establishment, and that in the New England States, at least, and in many other States of the Union, they have a School Establishment and no Church Establishment. But one and all maintain that it is the duty of the Government—that it is part of the functions of the Government to endeavour to teach somewhat of their duty to God and man to the young as well as to the old. Now, the voluntary principle, I admit, has done great things. It has built churches and chapels. It has communicated religious instruction to the young. But, while the voluntary principle is perfectly consistent with the principle of an establishment, and while the principle of an establishment may exist and the voluntary principle may yet be of great force and effect—as we have seen of late years in this country—yet, on the other hand, it is not possible to maintain the voluntary principle, or make that the principle of the State, and at the same time to maintain the principle of an establishment. The principle of an establishment does not exclude the voluntary principle, but the prevalence of the voluntary principle does exclude the principle of the establishment. Well, then, voluntary principle comes to this:—As I have heard it stated, and as I have seen it propounded in the votes of this House, it seems to maintain that, while you may support criminal laws—while you may retain the gaol and the gibbet for the punishment of offenders—while the people may be knocked down by the constable's truncheon, or cut by the sabre of the soldier—yet it is not to be allowed that you shall teach any religious truth, or enforce any moral precept to the young and old throughout the country. Sir, it appears to me that to lay down such a principle would be departing from the duty of the Government. I cannot well understand what would be said if a criminal were brought before a Judge, and if that Judge, in passing sentence upon him, were to say, "You have violated your duty to God and man," and if that criminal were to reply, "I am sorry if I have offended those laws, but no institution of my country has taught me that there was a God — I have never heard what those laws are. I was taken from school when I was young — I was not allowed by my employer to receive any education, and it is not my fault that I stand here before you for having violated laws of which I have never heard."

Sir, it appears to me that, although the Judge may not be responsible for that neglect, yet that the Legislature would be guilty if that neglect should continue from time to time—knowing perfectly well that numerous children in this country are in the case which I have described — that they are kept by their employers, not only every week day but every Sunday, in such employment, and not allowed even to attend Sunday school. I say that the State that connives at this, and does not take some effectual means of remedying such a state of things, neglects one of its most serious and most solemn duties. I am not saying that this House has neglected that duty; but here again I am struck by the inconsistency of my right hon. Friend the Member for Carlisle. He read extracts from Mr. Baines to show what has been done upon the subject of education by, as he says, the voluntary principle, what great progress has been made since 1818, and how the question of education stands at the present moment. But in remarking that progress since 1818, let it be observed that from that period, according to an essay published by a most intelligent inspector of schools, Mr. Temple, no less a sum than £2,000,000 has been voted by this House for the purpose of promoting education. But that is not all, and far from all. It has been shown by Sir James Kay Shuttleworth that the contributions of Churchmen alone have amounted to £800,000, and that many of the persons most active in providing that large sum have been the clergymen of the Established Church. And, had it not been that these clergymen were in the receipt of incomes from the Church Establishment, these sums at least would not have been forthcoming. There would have been no means of establishing these Church schools, and the glorious results that are said to have flowed from the voluntary principle would not have appeared to be boasted of in the pamphlet to which I have alluded. I received a letter the other day from a clergyman who has an income from the Church of £350 a year, which he spends in various ways. He says that, after his payments to charities, &c., his large contributions to his school reduce his income from the Church to £70 per annum. That clergyman is only one of many who have shown great zeal in promoting education in his parish. He said he was not reduced to poverty, because he had other means, but be it observed that those means were derived from the establishment. Now, this outlay is boasted of by the advocates of the voluntary principle as if it flowed solely and entirely from that source, and then they come forward, and my right hon. Friend the Member for Carlisle comes forward—he who has been a Member of the Government which proposed these grants—who has been Secretary of State for the Home Department, the duties of which no man conducted with more ability—who was a Member of that Committee of Privy Council which made these grants—my right hon. Friend now comes forward as the trumpet of the voluntary principle. Let me refer a little, if I may be permitted to do so, to some personal charges which Mr. Baines has made against me. I am not going to make charges against him. He is the son of a man whom I greatly respected, and whose honourable and consistent course, both as the conductor of a respectable newspaper in the north of England and as a Member of this House, I always viewed with the utmost respect. He is the brother of a right hon. Gentleman for whom I have always entertained the highest regard, and with whom I have generally the happiness to agree upon political subjects. I am not going, therefore, to say anything against Mr. Baines; but I do not know why he cannot maintain his principles, and set forth the reasons and statistics which seem to him necessary for his arguments without making accusations against me because I am guilty of wishing the State to assist in this great work of education. But, to show the spirit in which he acts, he brings this inconsistent accusation against me. In one page he says, I borrowed from Berlin and Vienna this new-fangled scheme of despotism; and, then, in the next page, he says that I ought to have revealed in 1839 the whole of this plan, which was then cunningly concealed, and that I ought to have acted with candour, and produced then that plan which, in page 4, he says I conceived in 1855. Now, for neither of these statements as he the least foundation. Being in Germany last year, and having little time when there for investigations into education, I, nevertheless, begged the right hon. Gentleman opposite (Sir J. Pakington) not to frame his plan upon continental models. I am willing to confess that I never thought their example was a safe one for us to imitate. On the other hand, in 1839, although I was in favour of the plan of grants by a Committee of the Privy Council, yet I did not frame such a plan as I now propose, and always reserved it to a future time, when it might be carried out in accordance with the step then taken, and when we might complete that which was then only partly concocted.

Let me here observe that in 1839 I wrote a letter to my noble Friend the Marquess of Lansdowne to which he refers in a speech of his in that year. I said that a Committee of Privy Council ought to be formed to consider all matters relating to the education of the people, and to distribute the grants which might be made by Parliament from time to time. The Marquess of Lansdowne, as he stated in his speech, objected to the former part of the suggestion, and thought that the Committee of Privy Council should only be appointed to consider the distribution of the grants. Now, what I am aiming at is, in effect, to restore that part of the duties of the Privy Council which I then recommended, and to endeavour to frame some plan according to that from which the Government and Parliament have acknowledged they have obtained a great benefit. Now, Sir, coming to the Resolutions I have had the honour to propose, my right hon. Friend (Sir James Graham), and, I think, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), also have taken this objection to them, that they propose to do what Government might at any moment effect, and that if we sanction them we shall be taking out of the hands of the Ministers what is properly their business. However, in the first place, I do not think that it has ever been laid down in this House—and sure I am that it is entirely inconsistent with the practice of the House of Commons to act on any such doctrine —that that which may be done by the Government may not be the subject of advice in this House of Parliament. My right hon. Friend will lay down an entirely new maxim, and one which, if he appeals to me on constitutional subjects, I cannot but regard as most unconstitutional, if he means to say that advice from this House respecting the conduct of the Government may at once be met with the objection that the Government could, without any Motion of ours, do that which we desire them to undertake. Such a maxim would be a complete bar to our proceedings, and silence would be our only alternative. But, with regard to the particular proposition now under discussion, it goes so far beyond the usual functions of the Committee of Privy Council that I at once arrived at the conclusion that either Government must bring it forward in some special form before presenting any Estimate on the subject, or else that some Member of Parliament—if the proposition, I mean, is a good one—should undertake to state the matter to the House. The change I propose, I apprehend, is sufficiently intelligible. The proposition I submitted to Lord Lansdowne having been accepted in the form to which I have adverted, it has been the practice, from 1839 to the present time, that whenever persons in any place have desired to erect a school they should be permitted to apply for assistance to the Committee of the Privy Council. The Committee then ask them various questions —whether they had obtained a site, whether there was an endowment, whether a committee was formed for managing the schools, and other questions, which they thought necessary to guard the public interest. These questions having been satisfied, the Committee of the Privy Council awarded a grant in proportion to the subscription and endowments that were provided. The school being once built and the scholars in attendance, the Committee then send down an Inspector to inspect the establishment; and, according to the subsequent Minutes of 1846, they award to pupil-teachers, apprentices, and certain schoolmasters various gratuities and recompenses; but there they stop. The Inspector visits the school erected under the grant of the Privy Council in parish A, but never thinks of inquiring whether in parishes B, C, or D there is any school whatever. He asks no questions as to the general state of education in the country, but confines himself, as the Committee did, to the particular schools in behalf of which an application had been made.

Now, what I desire to recommend is certainly, in words, to add some officers to the Committee, but what I propose, in spirit and effect, is this—that the present system shall be so extended, that by means of these additional officers, to be called sub-Inspectors, the Committee, and finally Parliament, shall obtain ample and minute information as to the state of education in every place and parish of the United Kingdom. The grants of the Committee of Privy Council, by means of which some 540,000 scholars are receiving daily instruction, have been instrumental in accomplishing a great national work; but it would be a great extension of their service and a material enlargement of the object which the Privy Council and the Government have in view if we were now to determine not only to make grants for those places in which schools already exist, but to inquire into the deficiencies in other places, and to ascertain the educational requirements of such localities. But it appeared to me that, if I were to propose that this much should be done by the sub-Inspectors, I could not rest there; for I might be justly asked what was the meaning of this expensive machinery, and of this great host of 120 officers? The whole system would be—as my right hon. Friend has objected—a mere matter of patronage if, having collected facts, we did not use them and proceed to apply a remedy to the evil of ignorance wherever it was found to exist. I therefore considered the various means by which that evil might be corrected; and what in the first place naturally occurs to me is, that these sub-Inspectors, travelling through all the parishes in the kingdom—each having a division he could conveniently visit—should recommend to zealous persons likely to take an interest in such matters to build schools where they do not already exist, to improve them where they do, and, in short, to effect for those neglected places what has been accomplished for the 4,000 or 5,000 places at present under the jurisdiction of the Privy Council. That is the first thing to be done, and as yet I cannot see how the system can be accused of having in it anything of a despotic character. Thus far it would be merely a plan for carrying more extensively into effect what has been done ever since 1839. But there might, and no doubt there would be, places in which the voluntary subscriptions would not suffice for the support of schools, and to meet the exigencies of those cases I would propose that there should be a power in the ratepayers to levy a rate upon themselves for the purpose of establishing schools in such localities. That would be a voluntary proceeding, but still there might be places in which the desire for education might be limited to parents who deplored the misfortune of not being able to send their children to school; and, lest the people in such districts should remain in total ignorance, I propose that there should be a certain authority—I am not now discussing the details of the Resolution—to compel the levying of a rate in districts so unfortunately circumstanced. Looking around to see whether there are at our disposal any additional resources that may be made applicable to the purposes of education, I find that several hundred thousand pounds have been left by good and pious founders for that express object, and that there are besides several other sums that have been bequeathed for purposes frequently stigmatised as not only useless but dangerous. I therefore recommend the employment of such funds in the noblest of all works—the enlightenment of the people. If these recommendations were carried out, we should have, in the first place, a very great extension of the present system. There can be no doubt whatever that among the vast number of places beyond those at present enjoying funds from the Committee of Council for Education, and their own subscriptions and school-pence, there would be a great number in which school schemes would be adopted—in which Church schools, British schools, or Wesleyan schools would be founded; and thus the present system with which, generally speaking, the majority of the country are content, would be vastly extended. But still, no doubt, the system would be incomplete, and, if we are really desirous to make efficient provision for the future, it appears to me that wherever there is a deficiency it ought to be filled up. Anxious that no locality should be left in intellectual darkness, I would provide for the institution of schools in all districts; and where the inhabitants might be unwilling to tax themselves for such a purpose I would, in the interest of the nation, have recourse to a compulsory rate. I confess, Sir, that I am at a loss to perceive the candour of representing a plan of this kind as "a Government monopoly," and "a despotic system," or of applying to it any of those hard epithets and severe phrases which Mr. Baines, a somewhat hot-headed advocate of the voluntary system, has uttered, and which my right hon. Friend (Sir J. Graham), who has hitherto been a supporter of State assistance, has repeated after him.

Having explained the general principles of my plan, I now come to the various matters I have stated in my Resolutions. In the first place I claim your assent to this proposition:—

> "That, in the opinion of this House, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education."

In objecting to this Resolution the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had, no doubt, in view the mode, as explained in the second Resolution, by which I propose to effect that extension—namely, by the appointment of eighty sub-Inspectors, and the division of England and Wales into as many districts. The right hon. Baronet the Member for Droitwich (Sir J. Pakington)—for whose assistance on this occasion I feel very grateful—says it is not necessary to specify the number of eighty for the proposed sub-Inspectors, and thus parcel out England and Wales into an equal number of divisions. But if I had simply said that there ought to be sub-Inspectors, without prescribing any number, I might fairly have been asked "What is your plan?" and "Do you mean that there should be 20, or 100, or 200—your suggestion is so vague and indefinite that it is impossible to entertain it?" I therefore framed the best calculation I could from existing data—namely, the geographical distribution of England and Wales into counties, each of which I thought would form a sufficient area to employ the exertions of one sub-Inspector. Another element in the case is the present number of examining Inspectors' Reports, and the number of schools which each of those officers periodically visit. I found the number of schools coming under the supervision of each Inspector to be about 250; and there would be nearly the same proportion within each of the educational divisions which I propose. There would, however, be this wide difference between my plan and the present state of things, that, whereas the Inspectors have now often to post with undue haste from one railway station to another, and to keep a fly constantly in waiting to convey them from one school, which they have hardly enough time to inspect, to another, which they must subject to perhaps an imperfect examination, and then hurry on with hot speed to a third, there to repeat the like process,—with a staff of sub-Inspectors on the other hand, there would be ample opportunities for each chief Inspector to go round leisurely and take an accurate survey of the general condition of his own division, while the subordinate examiners would be able to collect most valuable information as to the state of every parish in their several districts, which information would thus ultimately reach the Committee of Privy Council to guide its decisions. In this way I consider an efficient system of inspection might be organised; but at the same time I must say that I have no overweening fondness for the number eighty for the body of sub-Inspectors; nor do I at all think a rigid adherence to that precise proportion essential to the success of my proposal. The hon. Member for Oldham (Mr. W. J. Fox) proposes to move the omission of the word "Church" before "Schools" in the second Resolution. With such an alteration the subject of sub-Inspectors might easily be comprised in one Resolution, which would stand thus:—

> "That it is expedient to add to the present Inspectors of Schools a body of sub-Inspectors, and to divide England and Wales into a corresponding number of divisions for the purposes of education."

In that form the Resolution would assert the principle which I wish to establish. The Resolutions would then go on to affirm that the Committee of Privy Council should have "power to form school districts in each division, consisting of single or united parishes, or parts of parishes." It is said that many objections may be made to the union of parishes: and I dare say there might be a good deal of jealousy on that subject; but then certain parishes are so exceedingly small — some of them, as stated by the right hon. Gentleman opposite (Sir J. Pakington) yesterday, containing only five children— that it would be absolutely impossible to form every parish into a separate school district. Therefore some plan like that which I suggest is indispensable, although, of course, the utmost care must be taken to produce harmony between the different parishes thus combined.

The next Resolution declares that the sub-Inspectors should be directed to report on the available means in each school district for the instruction of the poor. The remaining Resolutions provide for the augmentation of the resources from which education is supported. The right hon. Gentleman opposite (Mr. Henley) strongly objected to the sixth Resolution, which proposes to enlarge the powers of the Charitable Trust Commissioners, and to enable them to apply to educational objects charitable funds now useless or injurious to the community; and my right hon. Friend the Member for Coventry (Mr. Ellice) following in the same line, severely condemned the particular scheme that has been laid on the table by those Commissioners for dealing with the charities of the town which he represents; going even so far as to assert that no project similar to this was ever before thought of in this country. I must beg my right hon. Friend's pardon if I venture with some confidence to challenge his statement. I am not the originator of this much-abused scheme. A Commission, of which Lord Brougham was the chairman, was appointed to inquire into the subject of Charitable Trusts, and sat from the year 1837 to 1839; and in their Report the Commissioners state that a number of small charities exist which are injurious to the community; that they produce an unseemly scramble for the petty sums of money which they distribute; that the dispensing of those funds often leads to riotous proceedings; that their revenue is almost infinitesimal in amount, and that it would be most beneficial to apply their incomes to educational purposes. Moreover, the present Lord Chancellor, in a measure which he submitted to the House of Lords, relating to endowed charities, gave the sanction of his high authority to a proposal which declared that,—

> "It shall be lawful for the said Board to approve, or to frame and approve, schemes for the application of any charitable funds to such charitable purposes and in such manner for the promotion of charitable purposes as the Board may think fit (although such purposes or such manner of application be not authorised or be not in all respects authorised by the term of the trusts affecting such charitable funds) in the several cases hereinafter mentioned—viz., that is to say, where it appears to the said Board that the charitable purpose for which the fund has been given by the founder has failed; where the said Board are satisfied that the fund as administered according to the charitable trust affecting the same creates or increases pauperism or immorality; where, in the opinion of the said Board, the fund of any charity administered separately is insufficient for the purposes for which it was given by the founder, but may under a scheme approved as aforesaid, be effectively employed in union with or in aid of any other charity, whether supported by endowment or by voluntary subscriptions, or partly by endowment and partly by voluntary subscriptions, or in extending the benefits of any such other charity; where in the case of any charity founded more than sixty years before the approval of the scheme in relation thereto the said Board are satisfied that the charity has no beneficial results, or that the benefits are insignificant, having regard to the income thereof, and that the income of such charity may, under a scheme so approved as aforesaid, be beneficially applied to other charitable purposes in the district or districts where it is administered."

Such were the provisions of a Bill introduced into the House of Lords in April, 1853, by Lord Cranworth, and I think that his measure was a most excellent one; but, alas! it sank to the bottom of that deep which has irretrievably swallowed up many admirable propositions that went before it; for it was sent to a Select Committee, and never again emerged from it. But I mention these circumstances to show that I am not, as my right hon. Friend (Mr. Ellice) seems to suppose, the audacious propounder of rash schemes for appropriating charitable funds—for the scheme was adopted and introduced by Lord Cranworth, the present Lord Chancellor. My right hon. Friend complains that the small charities of Coventry would be prejudicially affected if these Resolutions are carried into effect; but I would remind him that the Charity Commissioners state many of these trusts have been applied in aid of the poor rates, which they declare to be an illegal appropriation of such funds; and yet they do not venture to recommend the institution of prosecutions in such cases, because the resources of these charities would not bear the cost of litigation. Surely, therefore, it would be better that these funds should in certain instances be applied to the promotion of public education. In the case of a small charity in Wales, the funds of which were appropriated in diminution of poor-rates, an application was made to a County Court Judge by the clergyman of the parish to allow the proceeds to be given to the parish school, and the Judge, although with some hesitation, made an order granting that request. The right hon. Gentleman tells us that in some instances these charities are doled out to the destitute inhabitants and poor freemen of certain boroughs. This may be a very good reason why the representatives of those towns should oppose the proposals of the Charity Commissioners; but it seems a very odd mode of showing an inflexible regard for the original intentions of pious founders. The right hon. Gentleman opposite is for standing strictly to those original intentions, and will not hear of any departure from them, even under the authority of an Act of Parliament. I think that if Sir Thomas White, who lived two or three centuries ago, and who was the founder of important charities at Coventry, could be told, "Your intention, doubtless, was to enable the freemen of that borough to vote at elections, and to prevent them from receiving relief as paupers, which would disqualify them as electors," he would, I apprehend, be a good deal surprised at hearing such an interpretation put upon his "pious intention." My right hon. Friend told us that the charities administered at Coventry do no harm; that they are distributed in doles and gifts of various kinds; and that, in fact, the people of Coventry derive great benefit from them, and their application is generally approved. He also told us that the poor law is so well and wisely administered in Coventry that the abuses which exist in other places are not experienced in that borough. My right hon. Friend is quite right to stand up for his constituents, and they may be so wise, so good, and so free from the infirmities of human nature that that which produces evil everywhere else is harmless at Coventry. It may be that the indiscriminate distribution of charity, which in other places is the cause of pauperism and immorality, produces wealth and industry at Coventry. It may be that the old poor law, which was attended with serious evils in many parishes throughout the country, was in Coventry productive of the most beneficial results. "To the pure all things are pure," and none of the abuses which exist elsewhere are to be found in the city of Coventry. I look, however, to the administration of these charities generally, and I say that a change in that administration would be attended with great advantages. I quoted on a former occasion the opinion of the Dean of Hereford on this subject; but many other persons, and especially clergymen, have stated that pauperism and immorality have resulted from gifts of money in small sums, and that it is most desirable that charities of comparatively trifling amount should be more beneficially applied. I learn from the Report of the trustees of one of these charities, that so fearful are they of refusing aid to anybody that they distribute the funds they administer at the rate of 6*d.* to each person, so that the worst equally with the best, the most dissolute as well as the most industrious, are recipients of this dole, and a bequest which was intended for the public benefit produces harm rather than good. My own conviction is, that if those who made those bequests could see as we see, and could judge as we judge, they would be glad to find that their bequests were applied to purposes which were confessedly useful. I think, when everything else is changing, and when, by the laws of this country, the utmost freedom exists with regard to the disposal of private property, it is nothing but a superstition to say that you will stand by the letter of the original foundations; and that, although there can be no doubt as to the intentions of the founders, you will maintain the present mischievous application of the funds in spite of the evils which such an application induces. I quite agree with my right hon. Friend the Member for Coventry, that in any Bill with reference to charities your enactments should be most cautiously guarded, that you should be careful that you deal only with those funds the application of which is ascertained to be useless and mischievous, and that you should be equally careful that the purposes to which they are in future applied are clearly beneficial to the community at large. It is true that these objects cannot be accomplished by a mere Resolution of this House, but I wish to point out the principle upon which I am anxious to proceed.

I shall now go to the seventh Resolution, which provides that the ratepayers shall have the power of taxing themselves, and I think, at the present moment, I need not make any observation upon that proposition. By the next Resolution—the eighth—I propose that, after the expiration of a period of nearly two years, the quarter sessions for counties, cities, or boroughs shall have the power of imposing school rates. Great fault has been found with this proposal, but I do not think that, conformably with the existing law, the power of imposing such rates could have been placed in better hands. I find that in some States of America, particularly in Massachusetts, parishes may be and have been indicted for not having had schools open during an entire year. It has been objected that the power which I propose to give to the courts of quarter sessions will be very sparingly exercised, and that it will be very difficult to persuade magistrates in quarter sessions to impose school rates;

but it must be remembered that the courts of quarter sessions would be called upon to exercise their authority only in extreme cases. I think, however, that if a parish was found without a school, and without any means of instruction whatever—a mere nest of pauperism and immorality, in the midst of parishes in which for miles round schools had been established—that would be a case in which the quarter sessions would feel it their duty to exert this power. By the ninth Resolution I propose that where a school rate is imposed a school committee shall appoint the schoolmasters and schoolmistresses, and make regulations for the management of the schools. I confess that, if you impose a rate upon all the inhabitants of a place, I do not see how you can do otherwise than vest in the hands of persons selected by themselves the direction and management of that rate. My right hon. Friend (Sir J. Graham) was perfectly correct in saying that the school depends upon the schoolmaster; but if the ratepayers of this country contribute to the maintenance of schools, I know no reason why they should not be intrusted with their management. I certainly should not doubt their discrimination in choosing persons fit to conduct such schools. Of course, the regulations with respect to the grants by the Committee of Privy Council would apply to masters and mistresses so appointed; and if they were found to be inefficient the usual grants would be withheld. Those regulations, I think, would go far to insure the appointment of efficient masters and mistresses.

I now come to the religious question, which is the great difficulty in connection with this subject. It has been said that if you establish schools supported by rates, those schools will become schools for merely secular instruction, whatever regulations you may adopt. Now, according to the evidence of many schoolmasters, although theoretically the difficulty may appear serious to this House, practically, in my belief, it is very trifling. I have been informed that, in the case of schools where the Bible is read, where the catechism is taught, or where other formularies are used, and where parents are told, "There is no compulsion here, if you do not wish it your children need not receive religious instruction," the parents seldom evince any repugnance to allow their children to remain during the time of religious instruction. I have heard that fact stated repeatedly, not only by schoolmasters but by ministers of religion holding a high position. I must say the proposal that children of the ages of from ten to fifteen should be taught the various points of particular creeds upon which Protestant and Catholic theologians would argue, or that they should be instructed in questions of Church government upon which members of the Church of England and Presbyterian ministers might dispute, seems to me to savour of an excess of religious zeal, or perhaps more correctly, of an excess of religious animosity. The hon. Gentleman the Member for North Staffordshire (Mr. Adderley) said yesterday, that we were so peculiarly constituted that that which had been done for others could not be done for us, and that that which had been done in foreign countries would not apply to England. I cannot conceive that we, as a people, are so peculiarly constituted that a system which is successful over the whole Continent of Europe and in North America should not be equally successful in this country. I should be sorry to think that was the case, for it would imply the existence in this country of religious animosities and of a want of Christian charity which do not exist elsewhere. I must say, as I have often stated in this House, that I regard the system of the British and Foreign School Society as best adapted to the people of this country. In the schools of that society the Scriptures are taught, and a plain interpretation of them is given. The Scriptures are not merely read, but the meaning of the words is explained. The doctrine of our own Church is, that nothing need be held as a matter of faith which is not either plainly contained in the Scriptures or which cannot be proved thereby. I cannot therefore think that the teaching of that society ought to be distasteful to the Church of England. Unfortunately, however—although King George III. and his son the Duke of Kent, the father of Her Most Gracious Majesty, were both instrumental in the establishment and patronage of the British Schools, and for some time carried on the struggle unaided—the question of the use of the Church Catechism in the schools was raised, and ever since the use of that catechism has been thought necessary, not so much for the purpose of inculcating peculiar religious tenets as to distinguish Church schools from others. I am quite willing, although it does not accord with my own opinions, that, if the committee of the parish think it necessary, the Church Catechism should be taught in these schools; but I hold it to be necessary, for the security of religious liberty, that those children whose parents disapprove their learning this catechism should not be compelled to submit to such teaching, and should not, as is proposed by the Amendment of the right hon. Gentleman opposite (Mr. Henley), be on that account excluded from the schools. The noble Lord opposite, the Member for Stamford (Lord R. Cecil), who spoke last night, seemed to me to speak somewhat irreverently of the Holy Scriptures, when he said that Christians differed so much that nothing but pure theism was left. I do not think that that is correct. It seems to me that the Scriptures contain very plain and very forcible lessons with regard to love of our neighbour and our duties towards him, with regard to forgiveness of injuries, with regard to many moral duties, and with regard, above all, to our duty to God. The language of Scripture is more plain and more emphatic, and is illustrated by examples which go more to the heart of man and of child, than is that of any of those formularies which have been invented since the fifteenth century to distinguish between the different sects of the Christian Church. I therefore hold that, although it is quite necessary that a man who belongs to any particular Church should know the reasons why that Church differs from others, a boy or girl of at most fourteen years of age should not be compelled to learn these differences, and should be allowed to live in the common bond of the Christian Church. Persons belonging both to the Church of England and to Dissenting bodies say that, if by grants from the Privy Council you support Dissenting, Church, and Roman Catholic schools, you are supporting different religions. I entirely deny the justice of that application of words, and I have good authority for that denial. Towards the end of his life that pious and zealous Protestant, John Wesley, writing about a young man who had become a Roman Catholic, used these words:—

> "I will not have it said that he has changed his religion. He has changed his opinions and his mode of worship, but religion is not that—it is quite a different thing."

It would lead me too much into religious discussion if I were to quote what he says further, but this is a clear, and, I think, commendable sentence, showing that John Wesley thought that a person who changed his opinions and mode of worship did not thereby change his religion, and might, notwithstanding, hold that which was necessary to his salvation. If that be the case, there is no reason why we should apprehend that these School Committees will introduce irreligious teaching. We have the provision that the Bible shall be read and taught in the schools; we have the Catechism, or such other formulary as the Committee may think it necessary to introduce; we have the security—and you can have no other, at least no better security—of the general religious character of the people of this country. If you have not that, then you have no foundation for effecting improvements whatever.

My right hon. Friend (Sir James Graham) said that I was directly copying the plan of education adopted in Massachusetts, and when he appealed to me I was forced directly to contradict him. The plan of Massachusetts and of New York, as I have read it in various accounts, is that in some schools an extract or portion of the Bible is read for purposes of devotion; in most schools it is not read at all, and in order to avoid any difficulty upon this subject the lessons are not based upon the precepts of Christianity. That, Sir, is the mode of teaching in Massachusetts, and in a Report which I have read, relating, I am not certain whether to Massachusetts or to New York, it is stated that in many schools the reading of the Scriptures during school hours is forbidden by the Committee. That is according to their opinion of what is right, and we have the testimony of many eminent men that the Christian character of the country is preserved, but it is not, in my opinion, preserved in these New England schools. In the schools of this country, however, I propose that it should be preserved. You will, therefore, have denominational schools in large numbers; you will have Church of England schools to a great extent; and you will have these schools which will be supported by rates, and in which a portion of the Bible will be read every day, and such other religious instruction will be given as the Committee shall think desirable. Then I am told, as a conclusive objection to this scheme, that one sect may gain the superiority on one day, and one on another, and that in the end they may arrive at making the schools secular. This I consider a somewhat chimerical apprehension. It is a forecasting of evil which does not seem to me to be at all justified by the facts which we have before us. At any rate, you ought to compare the state of things which is apprehended with that which at present exists. When I am told that there is danger that these schools may, owing to the hostility of different sects to each other, become secular, I compare the state of things so apprehended with the facts which have been stated by the right hon. Member for Droitwich (Sir J. Pakington), and which are open and ought to be familiar to every Member of this House. I mean facts such as these that a boy, on being committed to prison, was asked if he knew his duty to God, replied that he had never heard of God. Being asked if he obeyed the laws of Christ, he said that he had never heard of Christ; and when asked what he did on a Sunday, he answered that he was employed in the stables of a farmer, and was never allowed to go either to school or to church on that day. In addition to this you have Reports from different persons, such as those of Mr. Clay, from which you learn that there are hundreds, nay thousands, to whom the most common elements of religion, not only of the Christian, but of natural religion, are totally unknown; and then you say to me, "You shan't have the schools, you shan't teach these children the Bible, you shan't teach them Christianity, because there is danger that some day or other these schools may be perverted and may assume a secular character." Sir, I would rather face that danger than have things remain as they are. Opposed as I have been to secular education, I confess that those who have received such an education are far more likely to imbibe religious principles than those who remain in this state of brutal ignorance. Such, therefore, Sir, is my view with respect to the religious teaching to be given in the schools which are to be supported by rates.

There is, however, another provision which respects the education of children and young people employed by persons other than the owners of factories, on which I wish to say a few words. I do not well understand how hon. Gentlemen, especially the right hon. Baronet the Member for Carlisle, can say that this provision is oppressive and despotic, when, since the year 1835 or 1836 there has been in operation a law which, in regard to 35,000 children, provides that until they are thirteen years of age they shall not receive employment unless they attend schools for a certain period. Whether the limit is thirteen or fifteen years does not at present matter for the purpose of these Resolutions. The law consecrates the principle that up to thirteen years of age you will use this compulsory method of providing that education is given to those children, and if the provision is extended to a greater number, the principle remains the same. If it is despotic and oppressive with regard to the 35,000 it ought to be done away with. If, on the other hand, it is with regard to that number right and useful, nothing but practical difficulties should induce you to refrain from applying it in other cases. That there are practical difficulties and very great practical difficulties, I am quite willing to admit. In my Resolution I provide, that the certificate shall be given only half-yearly, in order as much as possible to avoid that continual vexation to which my right hon. Friend (Sir J. Graham) has referred. But I think that, although the operation would be gradual, yet it would be a good and wholesome provision that those farmers who are in the practice of employing young persons should—I can hardly say compel them, but—allow them to attend school. I have seen statements, not with regard to farmers, but to other persons, which I think deserve the attention of the Committee. A lady, well acquainted with facts, writes to me that the employers in her neighbourhood—a mining district—object to the children going to school, because whenever they do so they do not go to their work very willingly afterwards. Another correspondent states that a farmer near him has been heard to say he would not give anything to a day-school, because he finds that since a Sunday-school has been established the birds have increased and eat his corn, and because he cannot now procure the services of the boys whom he used to employ the whole of Sunday in protecting his fields. With such cases as these I think it is no hardship—on the contrary, it is a fair provision to introduce—that you should take care that the employers of young persons should give them some kind of education. Of course, you must suit your enactment to the particular circumstances of the case. You must not ask the children to go one-half of the day to school and the other half to work. You must have certain days set apart for education; whereby, instead of diminishing the employment of these young persons, as my right hon. Friend (Sir J. Graham) says, you would greatly increase it. My right hon. Friend states that farmers would at once leave off employing children. Sir, I cannot think that. If an employer gives 4*s*. a week to one of these boys, will it be maintained that if he is asked to give 4*s*. 2*d*.—the 2*d*. to go to the school—he would not continue to employ the boy, however convenient and profitable he may have been to him at 4*s*.? Will that odd 2*d*. make all the difference? It is done—I have quoted the case once before—by a noble Lord in his collieries voluntarily; it is done by factory owners; and I do not see why it should not be imitated elsewhere. Many of the owners of factories have not only complied with the letter of the law, but have established excellent schools by their own benevolence and liberality; and in all cases the effect of the Act has been to induce manufacturers to take greater care of all the young persons working in their factories than they had done before. I cannot think, therefore, that there is any hardship in this provision.

We now come to another objection of my right hon. Friend. Conjuring up all kinds of horrors, he sees in my Resolutions a frightful increase of the influence of the Crown, and points out that the Secretary of the Treasury will have the appointment of, I know not how many thousands—I believe some 35,000—of schoolmasters. That, Sir, is an entire mistake. My right hon. Friend the Secretary of State for the Home Department will, I think, have the appointment of two or three at Pentonville and elsewhere, but that number will not be increased. The Secretary of the Treasury will not have a single appointment. If a measure founded upon my Resolutions were to pass in the course of the present Session, the patronage of the Secretary of the Treasury would not be increased by one schoolmaster. The appointments would be given, as at present in the Church and denominational schools, to the local committees of management. There would be some increase of patronage certainly, for from eighty to 120 sub-Inspectors would have to be appointed; but that would be no very formidable amount of patronage, although it might enable my noble Friend the President of the Council to do that which would be grateful to a number of very honourable and hardworking men, and, at the same time, useful to the country. I allude to the schoolmasters who have been many years in that occupation. There is no work more hard than that of a schoolmaster; none more important, none which carries with it comparatively so little honour and advantage; and, seeing that schoolmasters who have been employed twelve or fifteen years in that laborious occupation can hardly betake themselves to any other profession, I should be glad to see some of them employed as sub-Inspectors of schools. I believe they would be found the fittest and most intelligent men you could select to travel through the country reorganising bad schools, and pointing out where the schools are altogether inefficient.

There is one point which I have not yet mentioned, but with respect to which a notice has been given by another hon. Member, and upon which I will now say a very few words. It relates to that large class of our juvenile population who are neither at school nor at work, but who are wandering about destitute in our streets. Much, I think, might be done for that class by extending the grants and rules of the Committee of Privy Council. When I look at the large sums included in the Estimates under various heads, I am sorry to see so small a portion under the head of "Industrial Schools." The Committee of Privy Council have been quite right, as long as they were endeavouring, by educating a portion of the country, to furnish a model of what education should be, to be very strict in their inquiries with respect to the qualifications of schoolmasters, and to require schools to be organised and conducted according to certain rules and conditions. But, when you come to the case of an industrial school, there is many a practical man who would not stand an examination—whom not a few of the questions which the Committee of Privy Council have circulated would throw on his back as it were; but who, nevertheless, if placed at the head of an industrial school, would be intelligent and kind, would watch carefully over the welfare and morals of the young persons entrusted to his charge, and would give them an elementary notion of religion, that would be found of great benefit to the community, though it might not satisfy the requirements of the Committee of Privy Council. If we were to go much further on this subject we should immediately come into contact with the department of the Poor Law, and be confronted with the question whether or not we should provide these outcast children with food and clothing as well as education. I remember seeing a poor wretched boy in Newgate who said that he had paid *2d.* a night for his lodging. The magistrate asked him how he got the *2d.*? He replied, "I get it by holding gentlemen's horses and other odd jobs." "But," persisted the magistrate, "suppose you cannot get it that way, what then?" "Well," answered the boy, "I get it anyhow." We know very well what that "anyhow" means; but, if you take that child and keep him in school all day, when he goes at night to find a shelter he will not have *2d.* to pay for it, and you must either be most harsh and severe to him or incur the danger of extending the poor relief to classes who are not properly entitled to it. I am quite ready to entertain the question, but I will not venture, with the doubts I have about it, to submit any formal proposition to the House. I think it would be as I have just stated exceedingly useful to make more liberal grants to industrial schools, and to enlarge the rules of the Committee of Privy Council; but beyond that—beyond what has already been done with regard to reformatory schools, and what may still be done in the same direction—I cannot say I have any plan to submit to the House. Now, Sir, I have gone through these various Resolutions, and I must say that an attempt, even made independently of the Government, to extend the education of the people of England by means of the State, is not one deserving of very great blame and reprehension. The Resolutions may be ill adapted to their end, or many of them may be premature. I will say at once that, as I should not wish the latter of these Resolutions to cause great opposition and contention in this House, and perhaps be rejected when they might meet with a happier fate on another occasion, I shall not ask the Committee to go beyond the first five. I propose to ask the consent of the Committee—amending the second Resolution in the way I have stated—to the first five Resolutions, which sanction the principle, in the first place, of extending, consolidating, and revising the Minutes of the Committee of Privy Council, and which, next, sanction the appointment of sub-Inspectors to ascertain what is the real state of the education of the country. Valuable as that Report was of the Educational Commissioners, and valuable as were the Reports and observations of Mr. Horace Mann, it is impossible in that manner and by that machinery to get at the real worth of many of the schools set down in the lists. Many of both schools and scholars are merely nominal. We may find upon further inquiry that they are better than I am supposing. We may find, on the other hand, that they do not deserve to be maintained. But it would be of great importance to ascertain the facts. They might then form the groundwork for any measure that might hereafter be proposed. And now, Sir, let me say that, notwithstanding all the objections that are made, an endeavour to extend education ought to obtain the attention and support of this House. It is said that my proposal is a despotic one. I regard it as one tending to extend the freedom of England. It has been said, in delightful poetry, of a village churchyard—

> "Perhaps in this neglected spot is laid
> Some heart once pregnant with celestial fire;
> Hands that the rod of empire might have sway'd,
> Or waked to ecstasy the living lyre.
> But knowledge to their eyes her ample page,
> Rich with the spoils of time, did ne'er unrol."

Sir, it should be our object that that impediment should be removed, and that knowledge should unrol her ample store to the young of this country, however humble their condition. It is thus that those who are born in the most humble station may, by their distinction, first in their village school, afterwards in some greater sphere, and afterwards in some higher position of life, rise to those prizes, those honours, and those employments which in a free country ought to be the gift and the due of genius and of honesty. I cannot conceive that we ought to shut out those prizes and those honours from any class of the community; but yet, as we have been told, we do effectually exclude them so long as we deprive them of all the means by which they might rise from their obscurity. But, Sir, there are higher concerns than these. It is, as I believe, the duty of a Christian State to promote the cause of religion and morality; and, if we were to do so, I cannot believe that we should be in that position which I described to the Committee in the former part of my speech, when we should use everything for terror—when we should exhibit nothing but our means of punishment, and should not open to the people of this land the sacred volume, and bid them be industrious and virtuous here and hope to be happy hereafter. I cannot believe that such attempts are apart or separate from the duty of the State; and if we have been told of late that such should not be our object, but that we should leave every man to promote education as he may, I recollect that, in the same voice and in the same tone, I heard in other years what I thought a much sounder lesson. It is a lesson expressed so much better than anything which I could address to the Committee that I beg leave to quote what was said on the 28th of February, 1843, and was addressed to the House of Commons by one not only holding a high office, not only holding an office which connected him with the internal state of the country, but eminent by his power, by his abilities, by his information, and by his capacity for directing and ruling the State. He said—

> "All the material Powers in this nation have been developed and improved in the most remarkable manner; the entire people, individually and collectively, appear to have been engrossed with this grand object; and the moral condition of the multitude has, as it seems to me, been most lamentably neglected. It is with peculiar grief and mortification that I say this; but I cannot bear in mind that, while all the other Governments of Europe, warned by the melancholy events which darkened the latter years of the last century, warned by those sad lessons, directed their earnest, their unceasing attention to the moral training and religious education of their people, England alone—Protestant, Christian England—neglected this all-important duty of giving her people that training, that education which so intimately concerns not only their temporal, but their eternal welfare. It may safely be asserted that this most important subject has been neglected in this country to a greater degree than in any other civilised nation. I must say that I think recent events in the manufacturing districts are pregnant with solemn warning. I quite agree with my noble Friend (Lord Ashley) in what he has stated to the House on this topic. The law, it is true, has been triumphant; everything like violence has been subdued; and, in justice to the people of this country, I must add that, though their sufferings, their privations, their disappointments have been great, yet, even in those cases where there has been a breach of the law committed, that breach has not been accompanied by acts of cruelty or of remarkable outrage. The police and the soldiers have done their duty; the time is arrived when moral and religious instructors must go forth to reclaim the people from the errors of their ways. The harvest is abundant, but the labourers are few; it is time that the good work should be begun in earnest; it is time that a better seed—the seed of sound morality and Christian truth—should be sown in the hearts of the people; and it must be the care of the nation—of the Government, with the view to the future peace, the future destinies of this country—to take this most serious subject into their anxious consideration. I can truly say that I have directed my thoughts to this question more anxiously than to any other. I know well the difficulties of it; and if I can but induce the House in the temper which at this moment pervades it, on this one subject, to lay aside all party feelings, all religious differences, to endeavour to find out some neutral ground on which we can build something approaching to a system of national education, with a due regard to the just wishes of the Established Church on the one hand, and a studious attention to the honest scruples of the Dissenters on the other, in my judgment we shall be conferring a greater benefit on the people whom we represent than by any course of policy which can be adopted; and, for myself, I will say that all party, all personal considerations will I gladly lay aside could I but hope that I might be made the humble instrument of proposing to the House anything approaching to a scheme which should lead to the happy consummation I desire with the sanction of the Legislature." [3 *Hansard*, lxvii. 7.]

Sir, those are eloquent words. They were pronounced by my right hon. Friend the Member for Carlisle (Sir J. Graham), but at a time when he had not become a disciple of the voluntary system—before he had read those two pamphlets which seem to have obliterated all the knowledge and information which he had previously received. With a mind which had long been pondering on this subject—with a mind filled with accounts and reports from every part of the kingdom—he had come to a wise decision; but now appear two pamphlets, and they sweep away every trace of his previous knowledge and reflection. But let me not attempt to add any words to those which I have read. I do not feel disposed to apologise for having brought forward this great subject. I have had at heart the welfare of this country, and I do trust that the cause of education will prosper, whether by these Resolutions or by any others that may be proposed.

Sir GEORGE GREY: I am quite sure, Sir, that I express only the unanimous opinion of the Committee, when I say that there is no one who could be induced to impute the slightest degree of blame to my noble Friend (Lord J. Russell) for having devoted the great talents which he possesses, and the large influence which he so deservedly enjoys both in this House and in the country, to an attempt to extend the blessings of popular education to every class of the community. Whatever opinions may be entertained with regard to the details of the Resolutions which he has proposed, the country will appreciate the motives which induced him to bring them forward, and will respect his determined resolution to labour in that cause for the good of his country and of his fellow-subjects, undeterred and undaunted by the former failures alike of Governments with which he has himself been connected and of others. I must say, Sir, though I feel that every discussion of a plan of general education reveals more distinctly than before the difficulties of the question, I am far from thinking that barren as these discussions may be of any actual product in the shape of legislation, they are altogether devoid of benefit. I believe that the attention of the country being called to the subject is of itself an advantage; and it is also of great importance, if it only recalls to our attention our individual responsibility, not only as members of the Legislature but as members of society, and induces us to use all the means in our power to effect the great object which my noble Friend, in common with other Members of this House, has in view. There is no one in this country scarcely who contends that education is not a blessing and a benefit, and who does not desire to see it extended; and the only difference of opinion which exists is, as to the best means of effecting that object. When hon. Gentlemen say, that nothing is requisite but a resolute course of conduct to overcome the difficulties which embarrass this question, I must say that my experience leads me to a different conclusion. The hon. and learned Member for Midhurst (Mr. Warren) in a first speech, which I listened to with great pleasure last night, said, that he did not see why that which had been accomplished alike in despotic countries and in free States could not be accomplished here. I must say, that I think those who hold this opinion, overlook the fact that we in this country, in accordance with the feelings of the great mass of the population, refuse to adopt the means which have been adopted in those despotic States and free States. In despotic States religion is not excluded from the schools, but one religion only—that of the State—is taught; and in the free States referred to the difficulty is got rid of by excluding religion from the schools altogether. I do not believe that we are prepared to adopt either of these means of facilitating the establishment of a general system of education, and therefore the inference which is sought to be drawn is not a fair one. I should be sorry, indeed, to throw any impediment in the way of those who are anxious for the universal diffusion of education throughout the kingdom, and it is to be desired above all things that the differences of opinion on this subject existing between different religious denominations, which is the real difficulty, could be overcome, and that they should meet and agree upon some general system, which might effect the object which all of them have in view; but experience has shown that they are not prepared to do this. The statement which has been made by my noble Friend as to the course which he means to adopt, very much narrows the ground of difference among hon. Members of this House with regard to these Resolutions. Upon those Resolutions, in reference to which the greatest difference of opinion exists, he does not intend, as I understand him, to ask the House to give an opinion; he proposes merely to ask the House to go into Committee upon the first five, by which is affirmed the expediency of extending, revising, and consolidating the Minutes of the Committee of Privy Council of Education, and of appointing Inspectors to report on the state of education throughout the country. That being the case, it will be unnecessary for me to trouble the Committee at so great a length as I should otherwise have done; but, besides stating the course which the Government intend to take with regard to these Resolutions, I shall feel it my duty to state what they would have done had the noble Lord gone on with the whole of these Resolutions, and also what they proposed to do with reference to the Motion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that the Chairman do now leave the chair, which means that we should abstain from discussing the Resolutions at all. With regard to this Motion, let me say that we are not now discussing these Resolutions in a Committee of the whole House owing to any rule which requires them to be so discussed. When my noble Friend proposed these Resolutions, it was perfectly competent for him to have submitted them to the House, but it was suggested, I believe by Mr. Speaker, that it would be more convenient to discuss them in Committee, when there would be greater freedom for any hon. Member to speak more than once if it were necessary. It would be unfair to my noble Friend to say that under these circumstances we would not consider these Resolutions, and that directly we had gone into Committee, under an arrangement intended to be for the general convenience of the House, we should immediately get rid of that Committee and refuse to consider my noble Friend's proposals at all. To the Motion, therefore, of the right hon. Gentleman (Mr. Henley) the Government cannot give their assent. Beyond this they are prepared to a certain extent to agree to the Resolutions of my noble Friend. With respect to the first Resolution the Government have no hesitation in giving their cordial assent. It has been objected that this Resolution would absolve the Government from the responsibility which properly belongs to them now in the matter of education, that without any such Resolution they may revise, consolidate, and extend the Minutes of the Committee on Education, and that, therefore, it is unnecessary for the House to interpose. On the contrary, it appears to me that the hands of the Government would be very much strengthened if this House were, with the experience it has had of the working of the Committee of Education, to resolve that they regarded it as expedient that this system should be extended, as it is indeed now being extended by the Committee of Education. My right hon. Friend the Member for Carlisle (Sir J. Graham), whose speech I certainly heard with as much surprise as my noble Friend, does not object to the revision and consolidation of the Minutes of the Council on Education, but he objects to pledge the House of Commons to their extension. Whether he objects to their extension itself, or whether he merely objects to this House sanctioning their extension by a direct vote, I must confess I could not gather. I hope the last; for certainly no man in this House has done more, whether in or out of office, to effect that object. I should think he would be the last to sanction the construction which I know has been placed upon his speech of last night—that he was favourable to the views of those who object as much to the expenditure of one shilling of public money for the promotion of education, as they do to any of the Resolutions proposed by my noble Friend. I heard the speech of my right hon. Friend cheered by the advocates of the voluntary system, and certainly my right hon. Friend's speech was entitled to their approbation. He appeared to adopt the voluntary principles of Mr. Baines, and to approve the voluntary system, unsupported by any Parliamentary grant, as advocated by that Gentleman and many hon. Members of this House, who hold the doctrine that any State interference and any Parliamentary grant for educational purposes are unnecessary, and that they only impede the spread of education and retard the efforts of its best friends. If that be not the case, I hope we shall hear from my right hon. Friend before this debate closes that he did not mean to maintain that voluntary efforts were not to be aided and assisted by Parliamentary grants, that he only meant to pay a just tribute to the results of those voluntary efforts, which, as no one can deny, have produced such beneficial results; and that he does not lose sight of the fact that those voluntary efforts have been developed and supported by Parliamentary aid. If this be his meaning, I am afraid that the cheers with which his speech was greeted last night would not have been quite so hearty had it been more clearly expressed. My right hon. Friend read statistics furnished by Mr. Baines and Mr. Unwin, showing that the people of this country, in his and in their opinion, are an educated people. I cannot go so far as to agree with him in that statement; but I do cordially agree with him that, within the last twenty or thirty years education has made enormous progress in this country, and what we have to inquire is, how that progress can be maintained, and in what manner we can best promote, assist, and guide voluntary exertions. My noble Friend told us that £2,000,000 had been expended since the commencement of these grants, and in moving the Education Estimates last year I stated that between 1833 and 1854, 4,514 schools have been erected, enlarged, or improved by the aid of the Parliamentary grant; that 700,000 scholars had been provided with additional or improved school accommodation; and that a number of schools, approaching to one-third of the total number of public schools returned by the Registrar General in the census of 1851, had been erected or improved by the aid of this grant in the course of twenty-one years. The grant in 1839 was £30,000, and in 1856 it was £450,000. These grants have gone on progressively increasing, and I believe that a majority of this House would willingly vote sums still larger if it could be shown that they were necessary. My right hon. Friend (Sir J. Graham), when he was Secretary of State in 1842, in defending the Education Vote in Committee of Supply, declared the intention of Sir Robert Peel's Government not only to adhere to the system of education based on the Minutes of the Committee of Privy Council, but to do their utmost to extend it. He also expressed their intention to apply to the purposes of national education every fund which in equity and law might be made applicable to that sacred use, and concluded with these words:—

> "If we should find it difficult to carry these views with reference to education into effect, it is our intention to trust to the liberality of Parliament for an additional grant."

On that occasion the sum that was voted was £40,000, and in the last year in which the Estimates were prepared by that Government the education grant, under the auspices of my right hon. Friend, the Vote for education amounted to £100,000. I must say that I think it will be satisfactory to those who were parties to these grants, and who had at first the greatest difficulties to encounter in obtaining the smallest sums of money to be placed at the disposal of the Committee of Council of Education, to find Parliament ready to express the opinion that the Minutes of the Committee of Council should be extended. I do not say that it is necessary that this Resolution should be agreed to in order that those Minutes should be extended, because, practically, they are extended every year; but I think that by agreeing to it we shall affirm and sanction what is in consonance with general opinion. I will state the instances in which extensions have been made in the present year, and I am the more anxious to do so because I do not think that hon. Gentlemen have well analysed the estimate which is before Parliament for educational purposes. Now, as regards the capitation grant, the Committee of Council has proposed an extension from £12,000 to £40,000. Then again, with regard to industrial schools what is the case? Why, this year there is a sum of £10,000 for industrial schools against *nil* in that of last year. The Minutes with regard to the application of these sums will be laid before Parliament. As regards the first Resolution, therefore, the Government are prepared to give to it a cordial support, I wish that I could say as much with regard to the remaining ones; but, looking at these Resolutions as a whole, and with every desire that the object for which they are intended should be accomplished, the Government do not think it right to assume to themselves, by affirming these Resolutions, the responsibility of laying before Parliament measures founded upon them; for, although we may agree with the general spirit of most of them, great difficulty would arise in embodying their principle in a practical measure which would fairly carry out that principle. The second Resolution asserts that it is expedient to add to the present inspectors of Church of England schools eighty sub-Inspectors, and to divide England and Wales into eighty divisions for the purposes of education. Now, I won't say anything as regards the numbers, because I think that the objections which have been urged against the numbers being fixed by this House are conclusive, and I believe my noble Friend acquiesces in the propriety of omitting any specific number, but the point for consideration is to whether or no it is desirable for the House to pledge itself to the appointment of a large number of sub-Inspectors, to be distributed throughout the country for the purpose of obtaining information on the subject of education. Now, Sir, I think that it is most desirable that we should possess accurate information with regard to the available means of education throughout the country, but at the same time it is a very difficult and delicate operation to obtain it. Let us consider by what means that information is to be procured. If we are satisfied with sub-Inspectors being appointed with powers which the Committee of Council can already bestow, I think the appointment of those gentlemen might be safely left to the Committee of Council, the additional expense to be placed on the estimates to be laid before Parliament; but then arises the question, what power are these gentlemen to possess? Some years ago lamentable statements were made as to the state of education in Wales, and three gentlemen were appointed by the Committee of Council to proceed to Wales and investigate the available means of education in the Principalities. Able Reports were received from those gentlemen and laid before Parliament, but those gentlemen had no means of enforcing information by any compulsory process and these Reports may therefore have been less complete than they would otherwise have been. If it be intended that a real educational census should be taken, and that the number of existing schools with the characters and qualifications of the teachers in them should be ascertained, I believe that nothing less than an Act of Parliament enabling the Inspectors to compel information would be sufficient to accomplish that object. I therefore think that it would not be prudent for the Committee to agree to this Resolution without possessing more distinct information as to what is to be done by these sub-Inspectors. If they are only to possess ordinary powers, the Resolution is, I think, unnecessary; and if it be intended that they shall present a full and accurate educational census, then I think the proper course to adopt would be to bring in a Bill bestowing upon them the necessary powers. With regard to this Resolution, therefore, although I concur in the propriety of obtaining full information upon the subject, I think that it would be unwise for the Committee to pledge itself, by consenting to adopt this Resolution, to the appointment of a large staff of sub-Inspectors, and upon this Resolution the Government would be prepared to support the Motion of the previous question should it be moved. As to the division of the country into school districts, the noble Lord has, I think, satisfactorily answered the objections made to that proposal, and certainly, if the object of this division be to acquire information, I see no necessity for adhering to the existing parochial divisions. I come now to the Resolution of the noble Lord which proposes to extend the powers of the Commissioners of Charitable Trusts. That Resolution asserts:—

> "That, for the purpose of extending such means, it is expedient that the powers at present possessed by the Commissioners of Charitable Trusts be enlarged, and that funds now useless or injurious to the community be applied to the education of the middle and poorer classes of the community."

In the general principle contained in this Resolution the Government entirely concur, and indeed, I cannot conceive that any man will contend that funds now useless or injurious to the community should not be applied to a beneficial object. The only difficulty, I apprehend, arises with respect to the question—who are to determine what is useless or injurious? I must confess that I am rather surprised by an objection taken by the right hon. Member for Oxfordshire to the principle of the Resolution. He said that the Charity Commissioners, in their scheme, in the case of Coventry having proposed that certain doles given in money, according to the original trust, to the freemen of Coventry, should be applied to hospitals and infirmaries, that was quite a legitimate disposal of the fund, but that the proposition to apply this money for the purpose of education was monstrous. I must say that, if it be legitimate to divert a trust of this kind, which has become useless or injurious in its application, and to apply the money to establish or support hospitals or dispensaries to relieve the bodily wants and infirmities of the people, I cannot conceive how it can be a monstrous application of the funds to devote them to the purposes of the mental cultivation and the intellectual development of the population by affording the means of sound education, which would teach them their duties to God and man and make them useful members of society. I hope that was a doctrine which the Committee would not be disposed to sanction. I will only say with regard to the Coventry scheme that it can have no valid effect until sanctioned by Parliament, though it has been proposed by the Charity Commissioners, and I wish they had a larger power of dealing with cases of this kind, because I think that in their hands the power might be safely and wisely exercised. I think however what has been stated by the right hon. Member for Carlisle with respect to this Resolution is just, and that we ought not to pledge ourselves to a Resolution of this kind until we see the Bill, which would give effect to the plan. I now come to the proposition with respect to rating, though under present circumstances I need say very few words on the subject, but I am anxious to state what the views of the Government are in reference to it. The seventh Resolution of the noble Lord declared,—

> "That it is expedient, that in any school district where the means of education, arising from endowment, subscription, grants, and school pence, shall be found deficient, and shall be declared to be so by the Committee of Privy Council for Education, the ratepayers should have the power of taxing themselves for the erection and maintenance of a school or schools."

This question of rating, for the purpose of education, is one that has been very largely discussed on previous occasions. It was first proposed in a private Bill—the Manchester and Salford Education Bill—which Bill was opposed not so much on its merits as because it was deemed inexpedient that Parliament should, in a private Bill, sanction such a principle; and it was suggested that a general Bill should be introduced, empowering persons to rate themselves for the purpose of education. The Bill was referred to a Committee, before which important and valuable evidence was given, and that evidence satisfied me not only that the unaided voluntary efforts of those meritorious persons who had devoted themselves so much to the promotion of education were unable to meet the wants of large cities, but even that the existing scheme of voluntary efforts, aided by grants from Parliament, had also failed to obtain the desired object. I was therefore confirmed by that evidence in the opinion that a voluntary power should be given to recognised bodies—representative bodies—to rate themselves for the purpose of extending the means of education in those districts where the means of instruction were manifestly insufficient, and in the course of the present Session a Bill has been laid on the table of the other House which proposes to empower, subject to certain restrictions, town councils and ratepayers in parishes, where a certain proportion of the ratepayers choose to exercise the power, to rate themselves for the purpose of education. That Bill expresses the opinion of the Government as to what they think may be properly attempted in this direction. I am aware of the difficulty which surrounds this question, and in expressing an opinion favourable to this principle, I cannot shut my eyes to the fact that it does lead in the direction, at all events, of a secular system of education. This was a subject to which the Committee on the Manchester and Salford Education Bill directed their attention. They had before them persons of great influence, the advocates of secular education, and of secular combined with religious education, who, though equally advocating the system of rating, differed as to the mode in which the rates should be applied, yet so closely that I hoped that they might have arrived at some common ground of agreement. The advocates of secular combined with religious instruction desired to make the religious instruction so general as to embrace all those who agreed on the common principle of Christianity, and also to adopt the provision which my noble Friend has incorporated in his Resolutions, allowing the parents or guardians of children to withdraw them from any religious teaching. There you had the germ of secular education. When the question came before the House the difference of opinion widened, and that Bill was lost. I said that the provision I have just adverted to involved the germ of secular education, because, if you say that all schools should afford religious instruction, but at the same time declare that any child may be withdrawn from that religious instruction, the education given, so far as every such child is concerned, is secular, But I am quite prepared to encounter that danger, because I think that the education given in these schools would be in itself of great benefit. The Government, therefore, have proposed a Bill which will give this voluntary power of rating. The question, I am willing to confess, is one attended with much difficulty, but the Government are disposed to think that the giving a voluntary power of rating is the only means by which an efficient provision could be made for education in those districts in which the existing means are deficient. With respect to compulsory rating for the purpose of education, whether proposed to be established according to the plan of the noble Lord, or any other scheme, I entertain a different opinion. I think it is liable to great objection, and that as proposed in these Resolutions it would be practically useless. The noble Lord first proposes to give power to the ratepayers in any district or parish in which education is declared to be deficient, to rate themselves. But if a parish or district were, as he said, steeped in ignorance and immorality, and the ratepayers refused to take any step to lessen that ignorance and immorality, the noble Lord then proposes to give to the quarter sessions power to impose on the parish or district a school rate. Now, what is to be the effect of that imposition? It is said truly that the character of a school depends on the schoolmaster; and I must also say that I despair of any good system of education being adopted in any district, unless carried out by persons really convinced of the importance of the matter, and anxious to benefit the population by applying the best means to provide sound and useful education. But how could it be expected that the rate payers acting only under compulsion would effect this object? With regard to religious instruction, while I deeply regret that differences upon that point should impede the exertions of all who endeavour to promote a general system of education, I cannot overlook the fact that those differences have their advantages as well as their disadvantages. Unanimity upon the subject of religion very seldom exists in large mixed communities without comparative indifference; and the rivalry between contending sects has, I think, contributed in a great degree to the establishment of many of the schools which have of late years sprung up in this country. If we adopt the noble Lord's proposition to establish schools by means of rates, his plan with regard to the instruction to be given in those schools is probably the best that could be devised, although no doubt great objections would be raised to it by the ratepayers of many districts. There would be much practical difficulty in enforcing any provisions such as those proposed by the noble Lord with respect to children in employment between the ages of nine and fifteen. The case of factory children is entirely distinct from that of children dispersed over a large district in domestic service and in agricultural employments. I think, however, that the compulsory principle might be extended to other than factory children, and I am glad to learn that a meeting recently took place in the North of England, of proprietors and others interested in collieries, at which proposals were made calculated to secure the education of children connected with the collieries. No one, I conceive, can object to the noble Lord's last Resolution, and I think its principle might be extended with advantage to adult schools. To the first Resolutions, therefore, the Government give their hearty assent, and I have stated the course they would have taken with regard to the other Resolutions if the noble Lord had asked the Committee to express an opinion upon them, although, after the discussion which has taken place, I think he has acted very judiciously in not pressing them. Every one must appreciate the noble Lord's exertions in the cause of education, and, whatever may be the fate of these Resolutions, I am persuaded that the discussions to which they have given rise will not be unproductive of useful fruit, but will tend to promote the object we are all desirous to accomplish—the extension of education in this country.

Mr. HENLEY said, he wished to state the course he proposed to take in consequence of the intention of the noble Lord to withdraw all his Resolutions except those relating to instruction and partition. The Government, it was represented, were willing to support the first Resolution, and his hon. Friend (Mr. Adderley) intended to move an Amendment to it. Now, the first Resolution, standing by itself, and all its objectionable parts being taken away, was much less mischievous than the other Resolutions, and, therefore, with the permission of the Committee, he would withdraw his Motion, that the Chairman do now leave the chair, until that Resolution had been disposed of. Immediately, however, that had been disposed of, he should renew his Motion. He placed himself entirely in the hands of the Committee, but he thought that was the best course that could be adopted.

Sir JOHN PAKINGTON said, there appeared to be no desire that the debate should be stopped.

Lord JOHN RUSSELL said, he would suggest that the first Resolution should be put at once.

Mr. GLADSTONE said, he did not object to the withdrawal of the right hon. Gentleman's Motion, but he thought the better course would be to allow the debate to proceed for the present without withdrawing it.

Mr. E. BALL said, he was glad that the noble Lord had withdrawn the most offensive of the Resolutions, but he yet thought he would have done better if he had withdrawn the whole of them. What use was there in retaining the first Resolution when the Educational Committee of the Privy Council were now acting upon its principles? He must deny that the opponents of the noble Lord's Resolutions were indifferent to the cause of education; they merely differed from him as to the best means of advancing it. The noble Lord had referred to Mr. Edward Baines, but, if the noble Lord had known that Gentleman better than he did, instead of calling him a hot-headed voluntary he would have spoken of him rather as a warm-hearted Christian. True, Mr. Baines in his pamphlet did not speak of the noble Lord quite as kindly as he had been wont to do in former years, but then the noble Lord had not of late spoken quite as kindly as usual of the voluntaries. The noble Lord ought to have remembered that, whatever opinions the voluntaries now entertained, they had adopted those opinions in consequence of the principles inculcated by the noble Lord in his speeches upon the questions of church rates and of education. They were naturally surprised at the speech in which the noble Lord had introduced the Resolutions, because, if they were in error, they had fallen into error only in consequence of having followed the noble Lord. They felt that the noble Lord had given them the direct cut; therefore, he ought not to be surprised if they did not speak of him so kindly as they had used to do, or that they entertained towards him a little cooler feeling than in former times. He was delighted to hear the speech of the right hon. Baronet the Member for Carlisle last night. It was one of the best speeches he had ever heard in that House. It was one of those productions with which, in his earliest days, the right hon. Baronet had used to treat the House. It was like the Phœnix risen from its ashes again. He was glad also to hear the right hon. Baronet speak of those pamphlets from which he so largely quoted, for it so happened that he himself had got a speech prepared, founded chiefly on those pamphlets, written by two Dissenters; but the eye of the Speaker being turned to the right hon. Baronet, he (Mr. Ball) soon discovered that the right hon. Gentleman was even a greater plagiarist than he himself would have been, for the whole speech of the right hon. Baronet was built on those two pamphlets, and he (Mr. Ball) was completely left on a lee shore. He did not think the right hon. Baronet had gone so far as the noble Lord had charged him with having gone in preferring the voluntary to the compulsory principle. He understood the right hon. Baronet to say that he thought the two things would work best together. It was the object of all the friends of popular education to harmonise the two principles. The noble Lord and the right hon. Baronet appeared to have changed sides; for, while the noble Lord was once a voluntary, he was now the advocate of a compulsory system; the right hon. Baronet, on the other hand, distrusting the compulsory plan which he once advocated, was now advancing towards a more liberal system. The noble Lord had to-night stated that he had arrived at the conclusion, that a secular education was better than no education at all. Recollecting, however, what the noble Lord had on other occasions stated, he certainly did not expect that he would have gone so far, for it was not very long since, at a meeting of the British and Foreign School Society, the noble Lord advanced very different doctrines. He (Mr. Ball) very much doubted whether secular education merely was a good; whether a man without religion was either happier or better with a secular education than he was without it. Knowledge and learning were not a preventive of crime. It rather sharpened the intellect and increased the power for evil. He would not give education at all if it were not allied with religion. As carrying out his views he would give a case in illustration. In a reformatory for criminals, in a place just by (Smith Street), called "A Place of Repentance," out of 100 cases taken casually, it appeared that eighty-three attended school in youth; and there were only seven who had received no education whatever, which, he thought, showed that education did not prevent crime. The noble Lord had said that the people received a better education in foreign countries than in England. [Lord JOHN RUSSELL: I did not say so.] The noble Lord had said that in Prussia, for example, the number of children educated was 1 in 6, while in England the number was 1 in 8; but in Prussia the education was secular, while in England it was religious. He would ask whether, with all the advantages ascribed to the system of compulsory and centralised education in the countries of the Continent, so much had been done by those countries for the advancement of the happiness of mankind as had been done by England alone? Look at its Bible Societies, its Missionary Societies, and Tract Societies. The Religious Tract Society, for instance, had issued no fewer than 13,500,000 of tracts, books, and magazines for the year ending 31st of March, 1856. Look at facts such as these, and then say whether Prussia, Austria, or France had ever accomplished such things as those bodies had done. And why? Because England was the only country in which children received a religious education. He therefore questioned whether, when the noble Lord said that he preferred a secular education to no education at all, he had not committed a second error. But his principal object in addressing the Committee was to show what the result would be if the whole of the Resolutions of the noble Lord were fully carried out. It was important to consider what would be their bearing on the agricultural districts of the country. He had obtained a return from his own farm, and supposing that the principles advocated by the noble Lord were adopted, the results would be perfectly fearful. If they took children from their work to send them to school what would be the consequences to their parents? The following was the return he had obtained from his agent:—William Chapman, ten years a servant on his (Mr. Ball's) farm; his own wages 13*s.* a week, besides a house; he had seven children who earned 9*s.* a week; making together 22*s.* a week. Robert Arbor, fifteen years on the farm, wages 13*s.* a week, and a house; six children who earned 6*s.* a week, making together 19*s.* John Stevens, thirty years a servant on the farm, his own wages 14*s.* a week; he had brought up ten children, whose average earnings had been 12*s.* weekly, making together 26*s.* a week. Robert Casburn, twenty-two years a servant on the farm, wages 13*s.* a week, having ten children, who earned 10*s.* a week, making together 23*s.* a week. Thus it appeared that in these four families the fathers earned 53*s.* weekly, and the children 37*s.* a week, so that the children earned something more than two-thirds of the amount of the earnings of their parents. Now, he would ask the Committee, if the fathers were to be deprived of the earnings of the children, how could they provide bread for them? It was perfectly impossible. They must either increase the parent's wages to the amount of the loss he thus sustained, or they must make it up to him from a rate. Then, again, those who were at all conversant with agriculture knew that if they deprived the farmer of the labour of children, agriculture could not be carried on. There was no machinery by which they could get the weeds in growing crops out of the land. It could only be done by the employment of children; and if that employment were stopped the land would be choked with weeds, the crops would much decrease, and a national calamity would be the result. There was another view which might be taken of this matter. If children were to be kept at school till they were fifteen years old, how were they to obtain a knowledge of farming or become skilful farm servants? Some persons supposed that the pursuit of agriculture was very simple, and that anybody might learn it. It was no such thing. Next to becoming a good sailor, nothing was more difficult than to become a good farmer's man. But children never would be able to attain a knowledge of farming if they were kept at school until they were fourteen or fifteen years of age. The fathers would hate education, the children would adopt the principles of their parents, and more would be done to make education hateful in the agricultural districts than the Committee could imagine. That was the ground upon which he should have opposed the Resolutions if the noble Lord had persisted in them. He believed the machinery of the noble Lord was objectionable. The Minister of Education would be something more than a German Sovereign, for he would have all the officials of the Council of Education and all their dependents under him. There would be 80,000 or 90,000 teachers and nearly 4,000,000 of subjects under the noble Lord's control; for he presumed the noble Lord was to be the Minister of Education. In the pamphlet which had been honoured by the quotations of the right hon. Gentleman the Member for Carlisle (Sir James Graham), and dishonoured by the remarks of the noble Lord (Lord John Russell), there was a passage so truly English, so truly noble, breathing such a spirit of liberality, that he should like to immortalise Mr. Baines by reading it to the Committee. The passage was this—

> "It behoves the people, then, well to consider, whether they are disposed to entrust the work of training the young to the Government—whether any necessity for so great a change has been shown—whether the vast educational agencies which have done so much within the last half century have come to a stand—whether freedom is so bad a system, and parental responsibility and religious zeal are such inadequate motives, as to compel us to surrender our dearest interests to official management—whether Government has evinced such wisdom, care, vigilance, and energy in the discharge of its other duties as to prove that it will be the best of educators—whether especially a work involving the duties and interests of religion may be fitly handed over to Ministers of State and the bench of quarter sessions—whether the principles of legal compulsion and governmental provision and control, once adopted, may not be extended to other matters of the utmost importance and delicacy, such as religion, the press, industry, and family arrangements—whether changes like these, from voluntary to official management, are conducive to the independent spirit, the self-relying energies, and the moral welfare of the nation, and whether the working classes of England are so destitute of natural affection and common sense that they neither are now, nor can ever be expected to be, fit judges of the proper duration of their children's education."

He was grateful to the Committee for its kindness. He was glad that the noble Lord had withdrawn two-thirds, and those the worst portions of his Resolutions, and he believed it would have given much more satisfaction to the Committee and to the country if the noble Lord had withdrawn the whole of them.

Sir STAFFORD NORTHCOTE said, he trusted he might be allowed to address a few observations to the Committee, although the question had assumed a different attitude from that which it presented at the commencement of the evening. He thought it only due to the Committee that he should state shortly the reasons which had induced him to give notice of a Resolution, although he had no intention of moving it. Moreover, he thought that as the life of the noble Lord's plan had been struck out by the withdrawal of so many of the Resolutions and the leaving only what might be termed the dead body, it was open to hon. Gentlemen to scramble for any advantage that was to be derived from the first Resolution. The first Resolution merely meant that the Committee was in favour of the extension of education, and unless some construction were put upon it, either by speeches or subsequent Resolutions, it appeared to him to have little weight. If it had been followed by the adoption of the noble Lord's Resolutions, it would have had quite a different meaning, or if it had been adopted after a speech which laid down certain principles to be carried out at a convenient time, it would have given an implied sanction to those principles. But, under existing circumstances, it was important to found upon the Resolution such observations as might occur with regard to the present system of education and the present wants of the country. After the language which had been held upon the hustings, upon the judicial bench, at public meetings, and on all possible occasions, in favour of the promotion of education, it would have had a most unfortunate effect if they had come there, upon the invitation of so distinguished a Member as the noble Lord (Lord J. Russell), to consider the subject of education, and then separated without taking any Resolution at all into consideration. At the same time, however deeply he might have felt the inconvenience of that course, he was prepared to have taken it rather than sanction the scheme of the noble Lord, which was in itself objectionable and wholly inadequate to satisfy the real wants of the country. He was quite prepared to grant to the noble Lord and to the right hon. Baronet the Member for Droitwich (Sir J. Pakington) that the present system was not adequate to the wants of the country; but he thought that, having adopted, upon a small scale, a system which had gradually and rapidly assumed very large proportions, they ought to proceed very slowly and tentatively in any Amendments, and that such Amendments should be directed to the weak parts, and not to the strong parts of that system. Those who had observed minutely the history of the educational measures of the country would have remarked that every improvement had in the outset reference to the wants of the lowest portion of the people; but that shortly after their adoption, when their value became apparent, those improvements had been taken advantage of by the classes above the lowest, to the exclusion of those for whose particular benefit they were intended. The earliest scheme was that of the Sunday schools, originated in the latter part of the last century by Mr. Raikes, who was struck by the misery of the poor children prowling about the streets in a state of deplorable ignorance and vice, and who established the Sunday school for the benefit of these unfortunate outcasts. Within a short time, however, the class above came to the Sunday schools, and the poorer class, induced by shame, of which they were extremely susceptible, and the real pressure of competition from the higher class of children, left the schools in the hands of the class above them. So also with regard to the national system. Mr. Lancaster and Dr. Bell had the interests of the lowest class of children in view, but the systems were gradually taken up by the higher class of children, no doubt very much to the benefit of the country, but not to the benefit of those for whom the systems were originally intended. Without statistics it was impossible to go fully into the question; but it might be said, that from the commencement of the system to a certain period a rapid advancement was made, but that after that period a less rapid progress was observable. The general conclusion he drew as to the causes of this check was, that a want had been met, but that there were other wants that had not been met. The main fault of the present system, as it appeared to him, was, that it proceeded upon the false principle of giving to the comparatively rich and denying to the poor. Thus the grants were not given in proportion to the amount of voluntary effort, but in proportion to the results of voluntary effort. In some cases, where immense efforts were made, little or no results could be obtained. Take the case of the ragged schools. These schools were designed for a class whose education the State must specially wish to assist. But let the Committee contrast the efforts necessary for the establishment of these schools, with those made by country gentlemen in establishing schools for the children of their labourers and farmers. The latter easily built a school and filled it, and then they went to the Privy Council and obtained grants. But look at the ragged schools. He had received a letter written by a Mr. Thornton relative to a ragged school at Bristol, in which the writer said, he had applied to the Privy Council for a few galleries and desks, and had received in reply a letter asking for a copy of the trust-deed of the school. The Ragged School Society were but yearly tenants, and they had no trust property, so that although a few desks would have been most useful to them they could not get them. Many Gentlemen knew an energetic clergyman, Mr. Rogers, of St. Thomas's, Charterhouse, whose school had been spoken highly of by the Committee of Privy Council and by Mr. Horace Mann. The income of the incumbent was so small that it was absurd to suppose he could grapple with the wants of education in his parish. But Mr. Rogers determined to make an effort, and appealed to his friends right and left for the money for building schools. The population of the district amounted to 9,500, the number of houses to 1,178, and the average rental was £12. By his exertions, he obtained a large sum, amounting, with the grant from the Privy Council, to between £8,000 and £9,000, with which he built schools for 1,400 children in his district. The Privy Council contributed £2,400, so that there would be no complaint against the Committee for want of liberality. Having built the schools, Mr. Rogers got 900 scholars for his day schools, 400 for his evening school, and 300, exclusive of the above, for his Sunday school, making 1,600 scholars. The children in his own district were admitted free, but a large portion of these 1,600 children were not of his district, and were not of the lowest class, for whom the school was intended. Mr. Rogers, in a pamphlet which he had published, stated, that of 577 who had been at one time in the schools, there were then only 157, many of the parents having left the district, and that there were 700 children in the district who ought to go to school, who attended nowhere. Such a statement as that of Mr. Rogers was better calculated to prove the extent of the existing want of education than any bird's-eye view of statistics. It showed that, after all the exertions of Mr. Rogers, the particular class of children for whom his sympathies were interested, were not provided with education, and were running about the streets and falling into mischief. Again, there was another remarkable feature in the case. Almost all the telling statistics adduced to show the want of education in the country were brought from the Criminal Returns; yet the experience of those who had much to do with criminals showed that the large mass of them, however ignorant they might be, had nevertheless received some schooling or other. Now, how was this to be accounted for? By the imperfection of our system, which placed the great mass of children beyond the reach of the superior education now provided by the Privy Council. Mr. Norris, an Inspector of Schools for the central counties, writing in 1853, said, he should be speaking within bounds when he declared that out of every hundred children in his district, not more than six or seven were profiting by the improved apparatus provided by the Privy Council. There was a large number of schools and scholars, but then a very small part of them were deriving benefit from the Privy Council grants. The conclusion arrived at by Mr. Norris was, that the present educational means of the country would be sufficient if the schools were relieved of the vagrant classes of children known as the "City Arabs." Now this was simply putting the difficulty out of sight. It was just in keeping with what the noble Lord (Lord J. Russell) said the other night, that he did not propose to legislate for these children, because they belonged rather to the department of the Poor Law Board than to that of education. Friendless and helpless, these were the very children for whom the State was most imperatively bound to provide, and his spirit was moved within him when there was talk of handing them over to the Poor Law Board or the Home Office. The former would ignore them on the plea that the Poor Law dealt with no other than vagrant children, and the latter would reject them because, not having violated the law, they could not be recognised as objects of police regulation. What were they to do? The fact was, there was a fallacy at the root of our whole system, and it sprang from an erroneous interpretation of a single word—the word "education." The object of education was not only to impart knowledge, but to form the character of a child, and to turn him out a useful and valuable member of society. It was no refutation of this doctrine to say that of a hundred youthful offenders eighty-seven had been at schools of one sort or another. So they might, but they had not been educated. It was not true that education was powerless to prevent the growth of the criminal classes. The youths who attended reformatory schools were, in the majority of cases, reclaimed; and surely, if they could be reformed by education, they might, by the same agency, have been originally prevented from falling into crime. What was needed for the children of the poor was not merely reading, writing, and arithmetic, but that valuable moral, religious, and industrial training which give vigour and dignity to the character. Nor was a purely secular system of education at all suited to the circumstances of this country, for religious men—who were always of some denomination—were at the head of all our educational institutions, and from such a system such men would be sure to keep aloof. With regard to capitation grants he approved their principle, but recommended that in towns where the population was necessarily more shifting and migratory than in rural districts, the grant should be given on an average rate of attendance, and without reference to 176 days. He wished, before sitting down, to call attention to some statements in a work of Miss Carpenter's, showing from the experience of the United States, that the mere fact of establishing free schools was not sufficient to withdraw the vagrant and truant children from the streets; and that it would be necessary to go further in order to attain the object aimed at.

MR. DRUMMOND: Sir, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) towards the close of his able speech drew the attention of the Committee to the essential difference between education and instruction. The hon. Gentleman who preceded me made a passing allusion to the same point; but within one minute afterwards he used the word "education" as a convertible term with skilled labour. [Sir S. NORTHCOTE: I did not mean to do so.] I have not the least doubt that neither the hon. Member, nor any other speaker who has addressed us, meant to do so. Yet, from the noble Lord who introduced this subject of debate, down to the hon. Gentleman who spoke last, there is not one who has taken part in this discussion, who, from the beginning to the end of his speech, has not confounded the terms "instruction" and "education." The noble Lord (Lord J. Russell), indeed, throughout the whole of his Resolutions, adopts the phrase "education;" but with education itself not one of his whole series of propositions really has anything to do. They have to do only with modes of instruction. Now I maintain that instruction is as distinct from education as it is possible for any two things to be. You may be exceedingly well instructed and exceedingly ill educated; and you may be extremely well educated and extremely ill instructed. Instruction you may buy—instruction you may cause to be given by Acts of Parliament; but you have never yet educated your people by its means. Let us take the two most recent cases of magnificent rogues—scoundrels on a great scale—take William Palmer and John Sadleir. Do you think that either of them wanted instruction? Or do you suppose that any amount of it will convert a dishonest man into a honest one? You say you are going to give your people instruction; you are about to compel them to pay money for sending their offspring to schools, not of their own selection, and to masters, not of their own choosing, but of yours. Your teachers are, moreover, to insist on children of nine years old being required to know foreign languages, mathematics, and the notation of music. Any parent who understands what a child is, or what is his own duty, never will send his boy to the merciless care of such pedagogues. I know for myself, Sir, that I would rather die first than entrust a child of mine to them; and I do believe that there are many parents in this country who are too sensible of their obligations to their offspring ever to submit to hand them over to the caprice of a set of *doctrinaires* and abstract theorists. And, pray, what do you propose to rear your youth for? Are you going to train them for statesmen? No. [*Laughter.*] The hon. Gentleman laughs at the notion, and so would I. But you are going to fit them to be—what? Why, cotton-spinners and pin-makers, or, if you like, blacksmiths—mere day labourers. These are the men whom you are to teach foreign languages, mathematics, and the notation of music. Was there ever anything more absurd? It really seems as if God had withdrawn common sense from this House. What is education? It is that which is imbibed from the moral atmosphere which a child breathes. It is the involuntary and unconscious language of its parents and of all those by whom it is surrounded; and not their set speeches and set lectures. It is the words which the young hear fal from their seniors when the speakers are off their guard; and it is by these unconscious expressions that the child interprets the hearts of its parents. That is education; and it, I grant you, is the thing that you are darkly aiming at, because more than one hon. Gentleman has connected what you call education with a reformatory system. You can't reclaim the uneducated—you can't repair that which never existed. It is the Church alone, after their parents, which God ordained to educate the youth of a nation. You will say, "Oh, but the parsons have neglected their duty." But have your schoolmasters done any better? And what assurance can you place in the pedagogues of your own invention, when the work has failed in the hands of the priests of God's selection? If I deny your right in this way to attempt the education of the people, I don't deny your right to attempt the reformation of offenders. But the man who wants education wants that which you never can supply. Give him instruction, if you will; and thereby you will only make him ten times worse than before. When your people become offenders against the community, you have really only two ways of dealing with them,—namely, to send those who have offended the least out of the country, and those who have offended the most out of the world.

Mr. MILES said, he was in hopes that the hon. Member for West Surrey (Mr. Drummond) was going to draw a very intelligible distinction between education and instruction. The hon. Gentleman had, however, according to his apprehension, totally failed to do so. According to his (Mr. Miles's) idea education must not only speak to the intellect—it must speak also to the soul. Instruction, on the other hand, spoke alone to the intellect, while all the moral and religious attributes that so ennobled man were overlooked. Now, as for the Resolutions of the noble Lord the Member for London, if they had seemed to tend in the least towards what was termed the secular system, not one of them should have his support; but believing, as he did, that from the very bottom of his heart the noble Lord placed the consideration of the soul's instruction above everything, the Resolutions should have his support. He was very sorry that the noble Lord had not taken the debate upon the whole of them, because he would at once assert that the noble Lord had offered the country a bold plan. No doubt there were in that plan certain details put prominently forward which were open to objection. However, those might have been so altered in Committee as would have rendered, in his opinion, the scheme worthy the grateful acceptance of Parliament. He must say that until he had entered the House he had not the slightest idea what was going to happen. His right hon. Friend the First Lord of the Admiralty (Sir C. Wood) had presented a petition from Halifax in favour of the objects of the noble Lord. There was, however, a supplement to that petition, which the right hon. Gentleman did not refer to, and which met the exact position brought about by the withdrawal of the noble Lord's Resolution for the imposition of a national rate, by suggesting in lieu thereof a voluntary one. While the speech of the noble Lord was going on, he heard that the Government had changed their minds upon this question, and had determined to oppose all the noble Lord's Resolutions excepting the first five. The noble Lord then, taking the hint, withdrew all but the first five Resolutions. Now he believed that everybody would assent to the first Resolution. But the question for the consideration of the Committee was, what description of education was to be generally given throughout the country? They already knew by the Inspectors' Reports, and the Diocesan Inspectors' Reports, what the kind of education was that was given in particular parts of the country. But it should be recollected that there were only between 4,000 and 5,000 schools placed under Government inspection, whereas there were altogether about 40,000 schools existing in England. Was there not then, he asked, a want of some method of getting at the knowledge of the quantity and quality of education given in the country? He agreed perfectly with the noble Lord in the necessity of a full inquiry into that matter. And it was, therefore, necessary that some body of Inspectors should be appointed to make that inquiry, and to report the results to the House of Commons. The Committee of Council should not act immediately upon such Reports, but should refer them to the consideration of that House, in order that a proper Bill should be founded upon them. In respect to the Resolution as to the rating, if that had been a new plan he would have been inclined to go with the noble Lord; but they had a paper upon their table which showed how the Minute of Privy Council passed in August, 1853, was acted upon. By that Minute a power was given to parishes in which no schools existed of voluntarily rating themselves, half the expense necessary for building these schools being given by the Committee of Council on Education. Well, a Return of the schools thus established was presented to that House. He saw parishes in which so great ignorance prevailed that many of them had taken advantage of the power of voluntarily rating themselves for the mere purpose of obtaining half the expense from the Committee of Council for the building of their schools. The Minute of Council bore date the 20th of August, 1853. He found that upon the 1st of January following forty-seven parishes had voluntarily rated themselves. From January to December, 1855, there were ninety-four parishes that had rated themselves. From January 1 to March, 1856, the number was twenty-three parishes, making altogether 164 parishes that had voluntarily rated themselves for school purposes under the Minute of the Privy Council. Within the latter part of 1854 and the year 1855 there were in England and Wales 158 parishes in which new schools were erected; and of these no fewer than ninety-four were new schools in rural districts, built under the provisions of the Minute to which he had referred. While reviewing those schools, and the proceedings under the Minute, he thought there was every inducement held out to the Government to interfere to supply the want of religious instruction which was so much felt; and when they found that with the additional inducements held out to parishes in respect to the building of schools, so many, comparatively speaking, had availed themselves of the voluntary system of rating, he thought there would be no difficulty in resorting to the compulsory system of assessment when necessary. In 1852 and 1853 he was on two Committees; the one was to consider the Manchester and Salford Education Scheme, and the other was a Committee to consider the question of criminal and destitute children. He very freely confessed that he had entered upon the duties of the first Committee with feelings in favour of the voluntary system; but from the evidence which had been brought before them he was induced to change his opinion altogether, for he felt satisfied that such a system was inapplicable to the satisfactory education of the people. Now he would ask what had the Voluntary Association done for education in this country? The results might be guessed from the following facts, namely, that the funds of that Association in 1845 amounted to no less than £25,000 in the year. But in 1851, they had sunk down to £1,450 a year. The noble Lord (Lord J. Russell) now seemed willing to abandon the rating principle. Was, then, the House of Commons prepared to vote larger sums annually to the Privy Council of Education? Looking over the different Reports of the Inspectors, it would be found that they were greatly divided in opinion as to the question from what fund the money should come for the purposes of education — whether from the national fund, or from rates imposed on the particular parishes. It might be said that there would be a tendency by compulsory rating to a system of secular education. The Bible, however, stood forward prominently in the noble Lord's Resolutions. A feeling had gone abroad that the system of voluntaryism was to be abolished, and the whole of the powers hitherto invested in different bodies were to be deposited in the hands of the Committee of Council for Education. Now, the first Resolution was sufficient to dispel that impression, because it showed that the noble Lord wished to extend, revise, and consolidate all the Minutes of Privy Council. In a parish in his (Mr. Miles's) immediate neighbourhood there had formerly been five schools, one only of which could be designated a Church of England school. Well, it was thought most desirable that the whole of the infant population should be congregated in one school; and it was agreed that the Catechism should not be enforced: they had now all the children under one roof, and he was happy to say that that which appeared to be such a bone of contention in that House, was, in reality, practically nothing; for recently he asked whether any parents had required that their children should not be taught the Catechism, and the reply given to him was, that not one had made that request, notwithstanding the parents of many of them were dissenters. What was the state of Wales? No person could read the Inspectors' Reports with reference to that part of the country without being shocked at the enormous amount of ignorance that prevailed there; and yet the bulk of the people there were religious. They were generally Dissenters, but they loved their Bible. The schools were few compared to the amount of the population in Wales, and the greatest ignorance prevailed, from the want of the means of instruction. Were they, then, as a Legislature, to sit still upon this question? Were they to be satisfied with the statement of the right hon. Baronet (Sir J. Graham), that there had been an additional Vote of £1,000 for the ragged industrial schools? Why had not the Government grappled with the question? He did not think that the Government had acted very courteously towards their late colleague the noble Lord, when they merely found fault with his propositions without giving their reasons, as regarded the observations just made by his hon. Friend (Sir Stafford Northcote), the Committee which sat upon the case of the criminal and destitute children unanimously came to the conclusion that the Committee of Council ought not to require such high qualifications for the teachers in those schools. He thought that the Government should take the case of those children into their consideration, and that they should do all in their power to rescue those children from their present degradation. By such a step they would be doing a great amount of good. Regretting that the discussion must necessarily be so brief in consequence of the noble Lord's determination to press only his first five Resolutions, he (Mr. Miles) had no hesitation in saying that as far as the noble Lord went he would give him his cordial support. There might be some details with which he should be obliged to disagree, but at the same time he thanked the noble Lord from his heart for the noble way in which he had brought forward those Resolutions, and he felt confident that the truths which they enunciated would soon prevail.

MR. GLADSTONE: Sir, my hon. Friend who has just sat down has expressed the great regret which he feels at the probable brevity of our discussion. I do not think my hon. Friend was very happy in the selection of the subject for his regret, for an excess of brevity in debate is an error into which we so rarely fall that when, perchance, it does occur, there is, I think, a very excusable disposition to view it with indulgence. I confess, however, that upon every other score but that of brevity, I for one greatly regret the position in which we are placed. I think it favourable neither to the cause of education nor to the credit of this House with the country. Perhaps I may be too fastidious and too difficult to please, but I am bound to admit that I am not satisfied as to the vote we are to give even upon the first of these Resolutions. I entirely understand the motives which have induced hon. Gentlemen to acquiesce in the passing of that Resolution. The reason for their adopting that course is plain. It is because that Resolution expresses a desire which we all entertain for the extension of education, and expresses it in a form in which we almost all entertain it—namely, for the extension of education by the use and the further enlargement of the machinery which we have heretofore found to act so beneficially. But I venture to submit to the Committee that there are no inconsiderable objections—speaking now not of the substance or object of the Resolution, but of its form—to the mode of proceeding which is proposed; for the Resolution is to the effect, "that, in the opinion of this House, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education." Now, I cannot recollect an occasion on which this House has undertaken by a Resolution of its own thus distinctly and particularly to dictate to a department of the Executive, not merely the object which it is to pursue—not merely the policy which this House desires to recommend to the Crown—but the precise form of its proceeding in connection with its own official rules of business. I apprehend that if this House wishes to point out a course to the Executive Government, the proper plan for it to adopt is to address the Crown on the subject. For, observe the inconvenience that may arise from the adoption of a Resolution of this nature, pointing out to a department of the Executive the very form of proceeding which it is to pursue. If we may follow the course which is now recommended to us and pass a Resolution which does not give effect to itself, the House of Lords may do the same; the conclusions of the two Houses may be in conflict, and the Crown may have no means of expressing its views on the recommendation of either. I venture to submit to my noble Friend—though I am afraid I cannot claim that title to his attention which I should have were I friendly to the rest of his proposals—that we should pursue a more convenient course if, in lieu of passing the first Resolution in Committee, notice were to be given of an Address to the Crown on the subject of the Minutes of the Committee of Privy Council on Education, carrying our representations humbly to the foot of the Throne, and leaving the Crown to exercise its constitutional power of expressing its views on the question. So far touching the form of the Resolution; but there is much more than form involved in the proceeding we are asked to adopt. I do not recollect a period when questions of greater moment were raised than upon the present occasion, nor do I recollect a time when more formal preparations were made for bringing them completely to an issue. A notice was not, indeed, given in the Queen's Speech —for that was beyond the influence of my noble Friend—but the nearest approach to that was afforded to us, for on the first day of the Session my noble Friend announced his intention to propose Resolutions on the subject of education. On a subsequent day my noble Friend appealed to the noble Lord at the head of the Government, in terms not to be misunderstood and of great solemnity, urging that the moment the preliminaries of peace were signed there could be no duty so pressing and incumbent upon the House as to come to a decision upon the question of education, and, consequently, expressing his hope that when his Resolutions were submitted to the House no other public business would be allowed to interfere with the course of the discussions until, upon the whole of the points involved in them, the judgment of this House should have been pronounced. Thus the preparations for our debate were serious and formal in the highest degree, and I must confess I little expected, when I heard my noble Friend make the request, that no other public business should be done by Government from the commencement of these discussions until we had passed our judgment upon all the Resolutions, that after the debate had formally begun—after speeches of no ordinary weight and importance had been delivered — the noble Lord himself would be the man who, in the middle of that debate, would prevent us from passing judgment upon the most weighty and momentous of those Resolutions, the whole of which he had so formally and so solemnly prepared to give to issue. I do not for one moment suppose that my noble Friend, in adopting that course, acted without a motive, and I apprehend the explanation of his conduct is clear. He anticipated defeat, and, weighing in his own mind the comparative amount of disaster—having before him, on the one hand, the certainty of large majorities against his Resolutions, and, on the other, I will not say the ignominy, but the disadvantage of a somewhat premature retreat—he determined to take that of the two evils which philosophy assured him was the least, and which, I think, he was justified in believing would be the least detrimental to his proposals. But I am sure my noble Friend will allow me respectfully to represent to him that in proportion as the withdrawal of his Resolutions is to their mover more satisfactory than their defeat, in the same proportion to most of us the defeat of the Resolutions would have been more satisfactory than their withdrawal. I freely admit that my noble Friend did not use any sort of artifice with the Committee. He did not shrink from defending his Resolutions to the last; he bore them up high in argument, though he avoided a practical issue; he has left his defence of them upon record before the country, and I must say that, although he used no artifice to the Committee in that sense, yet as a manager of debate, I think it was, if not an artifice, at least a stratagem that evinces skill of the highest order, that my noble Friend should have delivered his own elaborate and ingenious speech, refuting, of course to his entire satisfaction, the objections that had been made to his proposals, and then, by the withdrawal of the Resolutions which formed the subject of dispute, should have endeavoured to avert the damage and exposure to be apprehended from the residue of the discussion. For that reason it is most important that we should come to a clear and distinct issue in this discussion, and that it should be known to and understood by the country that my noble Friend has simply acted the part of a good general anxious to extricate the remnants of his army from a dangerous and desperate position, and that, in point of fact, the main objections that have been taken to the Resolutions of my noble Friend are objections entertained as deep convictions by the great majority of the Members of this House. The noble Lord has the advantage of the support of a man of the high character of my hon. Friend who has just sat down. He has also the advantage of the support of my right hon.

Friend the Member for Droitwich (Sir J. Pakington), whose interest in the subject of education is well known, and who has treated it with so much ability. There are other instances, no doubt, of persons who in their zeal for education were quite ready to accept the proposals of my noble Friend; but I think there can be no mistake as to the general sentiments of this House, and I will endeavour to state in very few words—not wishing to deprive the Committee of the advantages of that brevity to which allusion has been made—what I conceive the substance of those impressions to be. We do not, in discussing the character of these Resolutions, intend to question the intentions of the mover. It is only fair to the mover of the Resolutions to admit that any one who reads them will see that he has been actuated by an anxious desire to save, so far as he could, the principal of local influence as opposed to that of central control, and likewise to save the principle of religious instruction as opposed to that of instruction which is purely secular. But saying thus much of the intentions of my noble Friend, I must restrict myself to his intentions, for I am convinced, from the tenor and purport of the scheme as a whole—from what would be its inevitable tendency in the course of its operation—if, indeed, it could operate—that the expectations of my noble Friend in those vital respects would be entirely disappointed. There has been some misunderstanding as to the purport of the speech of my right hon. Friend the Member for Carlisle (Sir J. Graham) last night. He has been taunted—in an amicable tone, indeed, but still taunted—with having adopted the language of those who are termed the friends of the voluntary principle. I apprehend my right hon. Friend thought it quite unnecessary for him, bound up as he has been for many years, and as all Gentlemen who have held office in this country have been, on whichever side of the House they may sit; and responsible, as he has been, for not only the maintenance, but the constant and progressive extension of the present system of Government aid to voluntary institutions throughout the country, to fatigue himself or to waste the time of the Committee by formal protests and professions on such a subject. It is equally unnecessary, I consider, for me to enter into any detailed explanations of the views and intentions of my right hon. Friend, or to state that they are entirely unchanged. He stands here as the defender of the existing system against a system which it is proposed to substitute for it. We have happily found it practicable in England to associate together in the most perfect harmony these two principles—the principle of voluntary exertion, through which you get heart and love and moral influence infused into your school instruction, and the principle of material aid from the State, by which the skeleton and framework of your education are provided. But, associated as these two principles have been, it may be superfluous for one man or another to say what he would do in the event of its being necessary to sever them one from the other. I am convinced that the harmony which has hitherto been maintained between them, even in times of doubt and difficulty, will continue, and, if possible, increase; but if I were driven utterly to abandon the voluntary principle or to place exclusive reliance upon it, I would not hesitate a moment in making my choice. In such an emergency I would say at once—give me the real education, the affection of the heart, the moral influences operative upon character, the human love, that are obtained through the medium of the voluntary principle carried out by men whose main motive is one of Christian philanthropy, rather than throw me upon a system which, whatever the intentions of its first mover may be, must sooner or later degenerate into hard irreligion. Now, Sir, the issues which were raised by the four Resolutions following the first—which I am sorry to say have not been abandoned, were these:—My noble Friend proposes to provide for the powers of the Privy Council; he proposes to appoint a large number of Inspectors, to form the country into new districts, and to empower the Inspectors in those districts to report on the available means for the education of the poor within them. And my noble Friend gave what I thought was a singular illustration of the mode in which, under this part of the plan, he intended to encourage the voluntary principle. I understood my noble Friend to say that when a sufficiently numerous corps of Inspectors was appointed, it would be their duty to make calls on the inhabitants of their respective districts at their private residences, and to suggest to them in whatever cases they thought it desirable that a school should be built. Now, Sir, I think that my noble Friend, by this proposition, is imposing upon the Inspectors a service which might, in particular instances, prove to be one not wholly free from personal danger; and I should certainly feel quite safe in going so far as to suggest that among the candidates for inspectorships those should be selected who, *cæteris paribus*, were the most robust. But what do these Resolutions mean? Are they a mere extension of the present system? What is the meaning of thus dividing England into new districts? What is the meaning of calling on the Privy Council to report authoritatively on the sufficiency of education, and of making the Privy Council the judge whether the education is sufficient or not? By all means get from the Privy Council the statistics of education; but do not erect a central organ in this country which shall be authorised to come to Parliament and say, "In districts A and B the education is sufficient, but in all the other districts, from C down to Z, it is insufficient." I look, I candidly confess, with great suspicion on these Resolutions; because I am fully convinced, so crude and impracticable is the machinery for working these schools by ratepayers—and in many cases recusant and reluctant ratepayers—that that organ which you have appointed with authority to report upon the sufficiency of education would gradually absorb all that the Resolutions leave to local influence, and would result in a comparatively centralised system of management. My noble Friend then goes on to provide for a scheme of compulsory rating. We are first to have an authoritative Report of the Committee of Privy Council declaring the means of education in a district insufficient. There is then power given to the ratepayers to assess themselves, in order to improve the education. As we proceed to discuss these Resolutions the truth of what I said just now as to their tendency to create a central power becomes more obvious and apparent; because, after the ratepayers or quarter sessions have made a rate, or have refused to make a rate, can the matter stop there? Can half a dozen magistrates sitting in quarter sessions say that no rate shall be levied in a particular district where the chosen organ of the State has declared the education to be insufficient? Suppose that the quarter sessions do not act, or that they act in an improper manner, there must evidently be an interference from head-quarters. The same thing would result if the ratepayers appointed an unqualified schoolmaster; and, I ask, are the ratepayers the best judges of who are the best schoolmasters? Would there be no jobbing in the appointments? Would not the broken-down tradesman, who owed the parish something, have a powerful claim as a candidate? Whatever value you may set on local influence and local self-government, you betray local self-government if you apply it to purposes for which it is not fitted. It works so well in this country because it has been wedded to the habits of the people for more generations than we can count; but if you come down with a span-new system of local government inapplicable to the purpose for which it is intended, it will share the fate of all those paper constitutions which have been the curse of the world for so many years. Setting all this aside, however, it is evident that wherever education is judged to be deficient there will be compulsory rating. I know that we are at issue here with the framer of the Resolutions, but it appears to me clear that the day you sanction compulsory rating for the purpose of education you sign the death warrant of voluntary exertions. It is impossible that a voluntary school can compete with a rate-supported school; for the supporters of the voluntary system are paying the expenses of both schools; and when the promoters of the voluntary school improve their arrangements and increase their cost to maintain the competition with the rated school, the rated school likewise improves its arrangements at the expense, in a great measure, of the supporters of the voluntary school. We all know what must be the end of a competition like that. If this be the true tendency of the system which my noble Friend seeks to introduce, are we prepared to undergo the risk of extinguishing that vast amount of voluntary effort which now exists throughout the country? We here touch the question, which was alluded to by my hon. Friend the Member for West Surrey (Mr. Drummond), of the difference between education and mere instruction, between that which only touches the understanding of man and that which acts upon his heart, purifies his sentiments, elevates his thoughts, and raises him to the standard of a Christian life. It is that which we expect from the voluntary system, but its spring is found deep in the human heart—in the heart of Christian philanthropy; and you cannot supply by any legislation that which comes from a different source. Aid it you may; strengthen, and invigorate, and enlarge it you may; you have done so to an extraordinary degree; you have every encouragement to persevere in the same course; but always recollect that you depend upon influences of which you get the benefit, but which are not at your command—influences which you may, perchance, in an unhappy day extinguish, but which you never can create. I must confess I believe that these opinions which I express are not individual opinions only, but that they are the general convictions of this Committee, and I have felt it my duty so far to express them as a countercheck, or traverse, possibly, to the skilful and successful stratagem of my noble Friend. But now, as to the question of religious instruction. My hon. Friend who has just sat down (Mr. Miles) has calmed his apprehensions on that head, because he says that he finds the Holy Scriptures foremost in the Resolutions. The question, however, is not whether the Holy Scriptures are in the foreground of the Resolutions, but whether they would not very soon fall into the background of the system. It is not the "intention" of the framer of the Resolutions or of ourselves which can give a religious character to this education. I confess I am afraid that if we adopt provisions like these in connection with other provisions which tend to extinguish voluntary exertions, we might expose the Holy Scriptures to much needless irreverence—we might see a formal and perfunctory discharge of the duty of reading the Holy Scriptures in schools to escape a difficulty—we might see them again employed as the mere vehicle of the formal and technical rudiments of instruction to young children; but I wish to avoid these issues, and I am fearful of adopting measures which, abandoning every other principle of doctrine and instruction to the discretion of the ratepayers, say that the Holy Scriptures shall each day be read in these schools. I am firmly convinced that there is no end to the possible quarrels which you must necessarily create in those local districts upon the subject of religious instruction. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley)—and I cannot name him without tendering to him my thanks for the part which he has taken with so much ability, so much firmness, and I will say with so much moderation in reference to this great and vital question—drew a parallel between the new school rate which it is proposed to establish and the church rate. He was complained of for having drawn that parallel, and it was contended by the advocates of these Resolutions that it was an unjust parallel. It is certainly true that by this school rate it is proposed to establish a system of secular education which shall be enjoyed by the whole population of the parish—that is, you choose to say, it shall be enjoyed by the whole population of the parish; but there is a very large part of the population of this country whose consciences would preclude them from availing themselves of the secular education which you propose to provide. If they sent their children to your schools, they would withdraw them from your religious training, and, therefore, in that respect, your school rate would probably come to be involved in all the difficulties of a church rate. I am disposed to think, however, that the parallel does not hold good in some other respects, because I see many difficulties attaching to a school rate which do not attach to a church rate. In many of the rural districts of this country men feel that they have acquired their property under the obligation of a church rate, and, therefore, they do not pretend that they are discharging it as a voluntary obligation, but as an immemorial charge which has descended to them along with their property. But here is a rate perfectly novel, without any prescription, not dating from a time removed 1,000 years back, which the fancy of to-day has created and which may be to-morrow repealed, if the evils which would be its probable results called for its abolition. When you vote a church rate you know that you are voting money which is to be devoted to the maintenance of a given system established and defined by law, which it is not in the power of any ratepayer to vary except within the well-known limits of law. But what would be the discord if, instead of voting a church rate for the purpose of giving effect to the known ecclesiastical laws of the country, you voted a rate for the support of some religion, you had not quite determined what—a religion which would be settled after the rate was voted at the next meeting of the ratepayers? I confess, Sir, I feel that an argument of this kind in some sense answers itself; because, if I am right in believing that such discords would arise, no doubt the evil would be so intolerable that it would bring its own cure with it, either in throwing over the whole matter—as might very possibly be the case—into the hands of the Committee of Council, or else in petitions loading the table of this House, and calling on us in a voice not to be mistaken to repeal so odious a law. The last point upon which I shall touch is the Resolution which makes employers responsible for the attendance of children between the ages of nine and fifteen at school and for the payment of school fees. This is a great deal too wide a question for me to discuss now. There can be no doubt that it would be a tax upon the wages of labour enacted by Parliament, because we think that parents are not competent judges of the welfare of their children, and, I am bound to say, I think it presumes a great deal too much upon the vice and ignorance to be found among the British population. The day may come when you may find yourselves under the hard necessity of entertaining some such proposal, but I hope it is far distant, and for myself I cannot foresee the day when I shall be found assenting to such a proposal. Still I treat it as possible, because in the whole of this question it must be remembered that we are feeling our way and endeavouring to gain experience; but this I must say, and I lay it down as an axiom, and nothing less, that you have no right to entertain the idea of compulsion, or to interfere between parents and children by arbitrary dictation in regard to instruction; at least, you have no right to interfere in a matter so sacred until you can say you have tried every measure you can devise for raising the power of attraction to your schools without compulsion. Can we say that we have done this? The contrary is surely affirmed by these Resolutions, because we admit in them that we have not done all that we can do by means of stimulants to increase voluntary attendance at our schools. My noble Friend himself thinks that much remains to be done in this direction. My right hon. Friend the Member for Carlisle said last night that a more liberal system of admitting young men to public offices and to appointments in the public service would act upon every school in the kingdom, and, if you can establish a really liberal system of that kind you will make known throughout the country the value of instruction and give a stimulus to education in every class in the kingdom. I am prepared, therefore, to protest against all attempts such as this until we can lay our hands upon our hearts and say that we have done all in our power to bring the people voluntarily into our schools. Last night I heard my right hon. Friend the Member for Droitwich find fault with my right hon. Friend the Member for Carlisle for having called this proposal unconstitutional. I did not hear that word drop from my right hon. Friend's lips. [Sir J. GRAHAM: I never said so.] There is, however, force in the criticism of the right hon. Gentleman opposite, that the epithet unconstitutional is one which is used with a considerable degree of Parliamentary licence. It is a convenient word, and it often stands in the place of a specific and definite objection. But whether these Resolutions are unconstitutional or not, my belief is that such is their dangerous tendency, that if they are not unconstitutional it is because they involve consequences still more fatal. When we speak of a thing as being unconstitutional, we mean that is out of harmony with our laws and institutions. But there is something more important than our laws and more weighty than our institutions, and that is the national spirit and character out of which they have sprung, and which are at once their basis and their buttress. I confess I think these Resolutions of the noble Lord conceived in a spirit adverse to that national character. They have a tendency in utter contrariety to it. They tend to encourage a dependence which is alien and foreign to the minds of Englishmen—to substitute that which is mechanical, technical, and formal for that which is free, open, elastic, and expansive. They might enable you to draw up better tables, to compile better statistics, to enter into competition with other nations in matters of figures upon better terms than at present, but it has not been by the technical instruction of her children, by superiority in mere arts of the schools, that England has risen to her present place in the world. She has often been behind the performances of other nations in these respects. She has understood the practical responsibilities of life—the duties of the man, of the citizen, and, above all, of the Christian. The element of the freedom in which we move and breathe and have our being is essential to the development of the English character, and, if you take it away, you pine and starve that character, and any substitute you can give in the form of Education Returns is utterly worse than worthless. I hope I shall not be supposed to underrate the value of knowledge. In my opinion the pursuit of it is an ennobling pursuit. I do not go to the extent of saying that secular instruction, when it does not involve direct religious teaching, must be irreligious in its effect. I have known many cases to the contrary. In 1845, when the Queen's Colleges were founded in Ireland, the spirit which prompted their establishment was a spirit of regard and veneration for religion, and I believe they have never produced any irreligious effect. But the religious instruction which you can convey by means of the State is totally different from that which you can convey through the medium of voluntary exertions. There are problems with regard to religious teaching which are insoluble by laws, but which melt away insensibly when handled by the common sense of private individuals, acting in their private spheres, with their private sympathies, and under their private responsibilities. If you take away those private sympathies, and those private responsibilities—if you substitute for them the iron conditions of the law, you entirely do away with the only means you have of solving those difficulties. I must apologise to the Committee for the length at which I have troubled it, but I felt a great desire to express in decided language the very decided feelings which I entertained upon the inevitable and uneradicable tendency of these Resolutions. It will always be a matter of gratification to me that so decided have been the indications of feeling in this debate, that my noble Friend has found it to be the wisest course to decline joining issue with the right hon. Gentleman opposite, and that the effect of this debate, therefore, whatever may be our vote upon this particular Resolution, must be favourable to the principle upon which education has been hitherto conducted in this country, and, favourable, therefore, I trust, to the cause of education at large and to all the sacred interests which it involves.

Mr. DISRAELI: Sir, I venture to express a hope that, considering the importance of the question, the Committee, notwithstanding the unexpected turn the debate has taken, will not be subjected to the painful misconception that must attend its conduct if a division is pressed upon this question as it now stands. Let me recall the Committee to a sense of its position. We have had the attention of the House of Commons called to the consideration of one of the most important questions that could be brought before us, by one of the most distinguished Members of this House—a statesman—a man whom we all respect, however widely we may differ from him politically, one who has occupied the highest position in the Councils of his Sovereign, and who has, with all possible pomp and ceremony demanded the opinion of the Parliament of England on the great subject of national education. Let us reflect for a moment upon what has occurred since the noble Lord first introduced this question. After having given all due warning of the circumstances under which it has been introduced to our notice, the noble Lord at great length—but assuredly not greater than the subject demanded—and with detail which showed him a complete master, placed before us his views of a question which had so long perplexed and baffled the councils of public men, and which had caused such profound difference of opinion. He gave us due time to consider his proposal, and at the proper period a right hon. Member of the House, who had shown that he had given the question all the study its importance demanded—I mean my right hon. Friend the Member for Oxfordshire (Mr. Henley) expressed his opinion upon it, and solicited the judgment of this House upon the whole question. Well, now, Sir, the debate which ensued, though deeply interesting, was, however, confined to a few hon. Members. My right hon. Friend expressed his opinion. The right hon. Baronet the Member for Carlisle (Sir J. Graham) also expressed his opinion, and gave the Committee the advantage of his views of the propositions of the noble Lord. We all came down to the House this night—the debate having been adjourned, the Prime Minister giving way to its paramount importance, and postponing other important business to its conclusion—we came down, every one of us, prepared to express his opinion either by word or by vote upon a subject the magnitude of which, as a whole, cannot be exaggerated, and on which the people of this country, had a right to expect an expression of our opinion. Well, what has happened? The debate has been suddenly terminated, suddenly cut short, and a finger, as it were, pressed on the lip of every hon. Member. Who has done this? Is it those who have been opposed to the opinion of the noble Lord? No, Sir, on the contrary, it is the noble Lord himself. The noble Lord took the opportunity of making many ingenious observations on the debate of the day preceding, and especially upon the speech of the right hon. Member for Carlisle—observations which we all listened to with that respect which is due to everything which falls from the noble Lord. But what was the object of those observations? It was—and I appeal to the candour of the Committee to bear me out—it was virtually to withdraw the Resolutions which the noble Lord had proposed with such pomp and circumstance, after so much preparation, and to terminate the debate, which had only just commenced. I am at a loss to conceive what has been the cause of this conduct on the part of the noble Lord. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) has told us that the noble Lord (Lord John Russell) must have taken this course from the unmistakable want of sympathy with his views which has been manifested by this House. That may be the case. But the noble Lord replied this evening to the speech of the right hon. Member for Carlisle, and in so doing quoted a considerable extract from a speech of that right hon. Gentleman on the subject of education delivered many years since in this House. I was then a Member of this House, and I listened to that speech with the interest which its eloquence inspired, and which its weight and importance commanded; but in those days I beg leave to say it was not the necessary consequence of a speech—even of that right hon. Gentleman—that a Minister of the Crown, or a personage in the position of the noble Lord, should withdraw his Resolutions in consequence of such a speech. In those days we did not shrink from conducting a debate upon any subject to a conclusion; and when a proposition was brought forward, even a speech of the right hon. Gentleman's would not prevent a debate on such a question as national education arriving at its legitimate termination. I will not now presume to enter on the general question,

though I was prepared to do so had the debate proceeded, as I, in common with hon. Members on both sides of the House, had anticipated. But I think the noble Lord ought to act frankly and fairly by the House in this matter. The noble Lord has, of course, every right to the indulgence of the House when he may require it: but after all that has occurred—after having given notice at the very commencement of the Session on a subject of vast national importance—after announcing that he should solicit the attention of the House to this subject—a subject, after all, not less than a proposition to substitute a new system of education for the system which now prevails in this country—after all this, when the noble Lord, not choosing to encounter the issue of a debate, withdraws the real substantial portions of his proposition, I cannot help saying that I think the noble Lord would act more frankly and courteously to this House if he withdrew the whole of his Resolutions. If, instead of withdrawing the seven Resolutions which involve the essence of his scheme, and reserving the other five, which are of little importance, referring as they do to forms rather than to substance—he would act, I repeat, more frankly and courteously to this House if he said, "The policy of my Resolutions does not appear to command the sympathy of the House of Commons, and therefore, having had the opportunity afforded me of bringing them forward, and also of vindicating them from the attacks of powerful opponents in this House, I think it more prudent, as well as more respectful to the House, to ask permission to withdraw them altogether." But what is the condition in which the noble Lord now places the Committee by the course he has taken? The Committee is called upon by the noble Lord to decide upon five Resolutions only when the state of the benches on both sides of the House shows how ready hon. Members have been to give their opinions on the whole question; and it will go forth to-morrow to the country that the pompous division upon an indefinite number of school inspectors, which we are now asked to come to, is a division on the great question, what system of education shall prevail for the future in England? I cannot believe that my right hon. Friend (Mr. Henley) will persist in his Amendment, as he is no doubt satisfied with the admission made by Her Majesty's Government and likewise by the noble Lord. I consider that my right hon. Friend would not be doing justice to his cause if he persisted in his Amendment; for he very fairly called upon the Committee to consider the Resolutions as a whole, and the conduct of Government and the feeling of the Committee show the accuracy and wisdom of my right hon. Friend's judgment. I am sure it would not be advisable to have a division on the five Resolutions of the noble Lord, which, though eminently objectionable as they are, nevertheless are modified by the concession of the noble Lord, and I hardly think the noble Lord will ask the Committee to divide on these infinitesimal differences. It would hardly be worthy of the dignity of this House, when assembled so solemnly and with so much ceremony, to be called upon to divide upon the question of having sub-Inspectors or not. I cannot help feeling that it must be the general sentiment of this House, with that respect for the noble Lord which, I am sure, everybody must feel—I cannot help being persuaded that there is at this moment one common sentiment prevading all our benches, and that is, that the noble Lord should make, if I might use, for a moment, the idiomatic language in which the right hon. Gentleman the Member for Carlisle indulges—that he should make a clean breast of it, and having given up the seven vital Resolutions which contain the new system, that he would at once say, "that while the Committee had listened to him with that respect which I am sure he will always command, they do not sanction the policy which after deep reflection I have felt it my duty to recommend to the House, and, therefore, in order that the public may not be deceived or deluded, I will at once agree to withdraw my Resolutions, acknowledging that, though I am convinced I am right, I am also of opinion that the House of Commons believes I am wrong." That appears to me the best course for the noble Lord to take. It would be wrong for him to ask the Committee to divide on his Resolutions, or that we should go into the lobby on them, and consume three-quarters of an hour in deciding a question that ought never to have been introduced to our notice. To do this would be making a mockery of discussion and division, and I hope the noble Lord will not, from any mistaken notion of the necessity of maintaining his reputation, put the Committee to the mortification of taking a division on his Resolutions, but will consent to withdraw them all; for the noble Lord must see that in his scheme he has mistaken the spirit of the age and the character of his countrymen. Nothing, then, could be more graceful and dignified on the part of the noble Lord, after having virtually abandoned his plan, than for the noble Lord to consent to withdraw the whole of his Resolutions.

LORD JOHN RUSSELL: Sir, I will answer very shortly the appeal of the right hon. Gentleman. With great deference to him and also to my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), I shall attempt to do what I consider best for the cause of education. I do not consider myself, therefore, bound to take the advice of those who would wish to ignore a scheme which I think useful. The right hon. Gentleman (Mr. Disraeli), perhaps, does not recollect, but I do very well, that in the year 1839 a great storm was raised on account of a misconception with respect to a vote for normal schools, against which there were numerous petitions, and great clamour, and remonstrances, founded on a total misconception of the case. Now, one course would have been for the Government to entirely withdraw any proposal on the subject whatever, but they did not do so. The Government of that day did not think it advisable to abandon the whole of the scheme, and it was carried in this House by a majority of two. The Earl of Derby, I recollect, made a most admirable and able speech against the scheme, and the late Sir Robert Peel and the right hon. Gentleman the Member for Carlisle (Sir J. Graham) voted against it. Presently afterwards, his Grace the Archbishop of Canterbury carried an Address in the House of Lords praying that nothing might be done without the concurrence of that House, and the Archbishop went up, with an immense procession of Peers of Parliament, to present that Address at the foot of the Throne. It seemed as if the scheme, for the time at least, was totally lost. We went on with it, however—we proceeded with it—and that scheme is the plan which is now in existence—which has been extended, and which is now in such successful operation. Well, now, the cry is that my proposal is for an entirely new scheme as a substitute for that plan. My opinion is that it is a proposal to continue that plan—to extend it very considerably, and to add some matters to it which would only make it more complete and efficient. Evidently, however, there is a total difference between me and, I may say, a majority of this House with respect to the nature of the plan and its immediate results. That being the case, I certainly do not think it advisable, for the cause of education, to expose the plan to the risk of any defeat by any majority of this House. It would hardly then be brought forward by the Government or by any independent Member in the shape of a Bill for many years to come. Well, then, Sir, for the sake of education—not for my own sake—I think it better not to have a division on that point. But, with respect to the particular Resolution now before the Committee, I conceive it to be of great importance, and I believe it is important that the Committee should approve of it, and thus express their opinion in favour of the existing scheme and of its extension. My right hon. Friend at the head of the Home Department has said he will support that Resolution, and I believe it ought to be put to a vote. The right hon. Gentleman the Member for the University of Oxford has raised an objection in regard to form, but that objection is easily got over in a manner which has been frequently adopted by this House. This House has often adopted Resolutions, and afterwards carried them to the Throne by means of an Address. Supposing the present Resolution is agreed to, I can then move at any time that an humble Address be presented to Her Majesty. That would place the matter, in point of fact, in the hands of the Executive Government, and remove altogether the objection of my right hon. Friend. On these grounds, therefore, believing that it is desirable that this Committee should come to a Resolution even on this portion of the subject, I certainly shall press for the decision of the Committee upon it. I am no doubt disappointed that the whole scheme has not been more favourably received; but I have great confidence that the people of this country will support education, and, whether, according to the present existing state of things, or whether by additional measures, that before long we shall see this country in possession of a more complete system of education.

Mr. BARNES said, he would now move that the Chairman report progress, and ask leave to sit again.

Viscount PALMERSTON said, he hoped that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) would withdraw his Amendment and permit the Committee to come at once to a vote, which, from what had passed that evening, he apprehended would be agreed to without a division, affirming the first Resolution. [*Cries of* "No, no!"] If a division were taken he thought it would be affirmed, as the general sense of the Committee appeared to be in its favour. ["No, no!"] Well, let it be disposed of in one way or the other, and if it should be affirmed they might adjourn any further proceedings until another evening. But it would hardly be consistent with what was due to one of the most important subjects that could come under the consideration of Parliament for the Committee to adjourn after two nights' discussion without arriving at any result whatever.

Mr. HENLEY said, he had already stated that he did not personally feel any great objection to the first Resolution, although he should certainly have divided the Committee against the others if they had not been withdrawn. The first Resolution by itself was of very little importance, and he would, therefore, put himself entirely in the hands of the Committee as to whether he should withdraw his Motion or proceed to a division.

Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and *negatived.*

Question put, "That the Chairman do now leave the chair."

The Committee *divided:*—Ayes 260; Noes 158: Majority 102.

List of the Ayes.

Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Baird, J.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, H. B.
Baring, T.
Barnes, T.
Barrington, Visct.
Barrow, W. H.
Beaumont, W. B.
Bell, J.
Bellew, T. A.
Bennet, P.
Bentinck, G. W. P.
Bernard, Visct.
Bignold, Sir S.
Blackburn, P.
Blakemore, T. W. B.
Bland, L. H.
Blandford, Marquess of
Boldero, Col.
Booth, Sir R. G.
Bowyer, G.
Brady, J.
Bramley-Moore, J.
Bramston, T. W.
Brockman, E. D.
Brown, H.
Bruce, Major C.
Buck, Col.
Bunbury, W. B. M'C.
Burke, Sir T. J.
Butt, G. M.
Butt, I.
Cairns, H. M'C.
Campbell, Sir A. I.
Cardwell, rt, hon. E.
Cecil, Lord R.
Chambers, M.

Cheetham, J.
Chelsea, Visct.
Cholmondeley, Lord H.
Clay, Sir W.
Clive, hon. R. W.
Cobbold, J. C.
Cole, hon. H. A.
Crossley, F.
Cubitt, Mr. Ald.
Dalkeith, Earl of
Dashwood, Sir G. H.
Deedes, W.
Denison, E.
Dering Sir E.
Devereux, J. T.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dundas, F.
Dunne, M.
Dunne, Col.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fenwick, H.
Fergusson, Sir J.
Fitzgerald, W. R. S.
Floyer, J.
Follett, B. S.
Forster, C.
Forster, Sir G.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gibson, rt. hon. T. M.
Gilpin, Col.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Greene, T.
Greville, Col. F.
Grogan, E.
Gurney, J. H.
Gwyn, H.
Hadfield, G.
Hale, R. B.
Halford, Sir H.
Hamilton, rt. hn. R. C. N.
Hanbury, hon. C. S. B.
Hankey, T.
Harcourt, Col.
Hardy, G.
Hastie, Alex.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Holford, R. S.
Horsfall, T. B.
Hotham, Lord
Howard, Lord E.
Hume, W. F.
Hutchins, E. J.
Irton, S.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Adm.
Keating, H. S.
Kendall, N.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Laing, S.
Langston, J. H.
Langton, W. Gore
Langton, H. G.
Laslett, W.
Lee, W.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, Hon. Col.
Lindsay, W. S.
Lisburne, Earl of
Lovaine, Lord
Lowe, rt. hon. R.
Lushington, C. M.
Mackie, J.
M'Cann, J.
Maguire, J. F.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Meagher, T.
Meux, Sir H.
Miall, E.
Milligan, R.
Mills, T.
Michell, W.
Mitchell, T. A.
Montgomery, H. L.
Montgomery, Sir G.
Morgan, O.
Mowbray, J. R.
Mundy, W.
Muntz, G. F.
Murrough, J. P.
Naas, Lord
Napier, Sir C.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
O'Brien, J.
Osborne, R.
Ossulston, Lord
Packe, C. W.
Palk, L.
Palmer, Robt.
Palmer, Roundell
Patten, Col. W.
Paxton, Sir J.
Peacocke, G. M. W.
Pechell, Sir G. B.
Peel, Gen.
Pellatt, A.
Percy, hon. J. W.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Portal, M.
Price, W. P.
Pritchard, J.
Repton, G. W. J.
Richardson, J. J.
Robertson, P. F.
Rust, J.
Sawle, C. B. G.
Scott, hon. F.
Seymer, H. K.
Shelley, Sir J. V.
Sibthorp, Maj.
Smith, A.
Smyth, Col.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, L. G. N.
Steel, J.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Sturt, H. G.
Sullivan, M.
Taylor, Col.
Thompson, G.
Thornhill, W. P.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Vane, Lord H.
Vansittart, G. H.
Verner, Sir W.
Vernon, G. E. H.
Vyse, Col.
Walpole, rt. hon. S. H.
Walter, J.
Watson, W. H.
Wells, W.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.
Wise, J. A.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wyndham, H.
Wynn, Lieut. Col.
Wynne, W. W. E.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.
Henley, J. W.
Thesiger, Sir F.

List of the NOES.

Acland, Sir T. D.
Acton, J.
Adair, R. A. S.
Adderley, C. B.
Agnew, Sir A.
Alcock, T.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hon. Sir F. T.
Baxter, W. E.
Beamish, F. B.
Berkeley, G. C. L.
Biggs, W.
Black, A.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Brand, hon. H.
Brotherton, J.
Bruce, Lord E.
Buckley, Gen.
Byng, hon. G. H. C.
Cavendish, hon. C. C.
Chambers, T.
Chaplin, W. J.
Child, S.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Davie, Sir H. R. F.
Denison, J. E.
Dent, J. D.
De Vere, S. E.
Drumlanrig, Visct.
Duncan, Visct.
Duncan, G.
Dungarvan, Visct.
Dunlop, A. M.
East, Sir J. B.
Ellice, E. (St. Andrew's)
Euston, Earl of
Ewart, W.
Ewart, J. C.
Ferguson, Sir R.
Ferguson, J.
FitzGerald, Sir J.
Foley, J. H. H.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gaskell, J. M.
Gifford, Earl of
Glyn, G. C.
Goderich, Visct.
Greenall, G.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R
Haddo, Lord
Hall, rt. hon. Sir B
Harcourt, G. G
Hastie, Arch.
Hayter, rt. hon. W. G.

Headlam, T. E.
Heard, J. I.
Heathcote, hon. G. H.
Heneage, G. F.
Herbert, H. A.
Heywood, J.
Higgins, Col. O.
Hogg, Sir J. W.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
Ker, D. S.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Layard, A. H.
Lemon, Sir C.
Littleton, hon. E. R.
Marjoribanks, D. C.
Martin, P. W.
Massey, W. N.
Matheson, Sir J.
Miles, W.
Milner, Sir W. M. E.
Milnes, R. M.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, rt. hon. W.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Napier, rt. hon. J.
North, F.
O'Connell, Capt. J.
Oliveira, B.
Otway, A. J.
Paget, Lord A.
Palmerston, Visct.
Peel, Sir R.
Peel, F.
Perry, Sir T. E.

Phillimore, J. G.
Pinney, Col.
Ponsonby, hon. A. G. J.
Powlett, Lord W.
Raynham, Visct.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Ridley, G.
Russell, F. C. H.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, H. D.
Shelburne, Earl of
Smith, M. T.
Smith, rt. hon. R. V.
Smollett, A.
Stafford, Marq. of
Stanley, Lord
Strutt, rt. hon. E.
Stuart, Capt.
Tancred, H. W.
Thornely, T.
Tite, W.
Villiers, rt. hon. C. P.
Vivian, Sir H. H.
Walcott, Adm.
Warren, S.
Waterpark, Lord
Watkins, Col. L.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Russell, Lord J.
Pakington, Sir J.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 14, 1856.

MINUTE.] PUBLIC BILL.—1ª Oxford University.

THE HOUSES OF PARLIAMENT—THE FIRE BRIGADE.

LORD REDESDALE said, he wished to call the attention of the noble Lord opposite (Lord Stanley of Alderley) to a matter of which he had just heard, and which was of very serious importance. He understood that the whole fire brigade attached to the House had been discharged without notice having been given to Black Rod or any of the officers of the House, and that their duties were in future to be undertaken by the police. He felt it his duty to call attention to the matter. A fire had already happened in the House which had been immediately checked by the fire brigade, under whose charge all the somewhat complicated arrangements connected with pipes, water, and gas works were placed, and which were by them all kept in a constant state of readiness. If, however, these arrangements were put in the hands of the police, who were frequently changed, it could not be supposed that they could have so competent a knowledge of all the arrangements as the old fire brigade. He trusted that immediate attention would be paid to the subject. The orders with reference to the matter he supposed came from the Department of Woods and Forests, and he thought it was a question that ought not to be settled in so summary a way. The old system was extremely well arranged, and there ought to be some provision for such good arrangements being kept up.

LORD STANLEY OF ALDERLEY believed that the whole of the House was under the direction of the officers of the Board of Works, and that the fire brigade and police were employed under the direction of that Board. He would make inquiries of the Chief Commissioner, and return an answer to the noble Lord.

TORTURE IN MADRAS.

THE EARL OF ALBEMARLE* said, before I move the Resolutions which I have placed on the Notice Paper, allow me to *present* a Petition from certain Inhabitants of Madras, complaining of the Infliction of Torture by the Officers of the Government for Government purposes; and praying for your Lordships' protection. The petitioners are anxious that your Lordships should not consider the Report which has been laid upon your table as conveying any adequate idea of the amount of suffering endured by the inhabitants of the Presidency of Madras. The Commissioners themselves virtually acknowledge the incompleteness of their Report, because they say that full inquiry would have occupied two years, and the labours of the Commission were brought to a conclusion in three months. Besides this, the Commission sat in the town of Madras, where, owing to the want of means of internal communication, and the extent of the Presidency, being an area of 144,889 statute square miles, or within one-fourth part of being twice as large as Great Britain, it was impossible that many of the sufferers should attend to make their complaints. The Report must, therefore, be considered simply as a sample of the way in which justice was administered, and the revenue collected under the East India Company. Without stopping to contrast the innocent surprise expressed by the home authorities at the prevalence of torture over a territory inhabited by near 23,000,000 of inhabitants, with the fact that there existed in the India House documents, written between the years 1806 and 1852, which proved the prevalence of such torture, I will proceed at once to the question of the torture itself.

To correct the impression which exists on the part of some of the civil servants of the East India Company, who seem to have an erroneous notion of the word torture, and fancy that nothing short of those kinds of pain which, in England, in barbarous times, were employed judicially for compelling evidence, such as the rack, the boot, and the wheel, let me quote the definition of torture given by Dr. Johnson, which is, "pain by which guilt is punished or confession extorted." If I might make an addition to the definition of the great lexicographer, I would add, "or Government revenue extorted." That your Lordships may not think that the torture inflicted is of the mildest description, an impression which you might receive from the extenuatory despatch from the Court of Directors to the Governor of Madras, dated the 12th of September, 1855, I will read a list of the modes of torture practised, which I have extracted from the Report of the Commissioners. These are, deprivation of food and water; hindering a man from sleeping; hanging a necklace of bones or other disgusting materials round the neck (a punishment peculiarly offensive to a Hindoo); compelling a man to sit on his heels, with brickbats or sharp stones under his hams; striking the heads of two defaulters against each other; tying two persons together in a stooping posture by the hair of their heads; tying a man in a stooping posture to the wheel of a cart; tying a man by the hair of his head to the tail of an ass, and parading him through the public market; forcing a man into a stooping posture with another man on his back; binding a man to one tree and hoisting his leg by a rope attached to another; suspending a man by his heels to the bough of a tree; suspending him by the wrist, and scourging him while in the air. If my recollection serves me right, there is in that Report an instance of a woman who died under the infliction of this torture. Tying to a tree with a fire underneath, in order to produce partial suffocation; forcing a man to whirl his head in a peculiar manner with his hair dishevelled, sitting in the sun, the process being assisted by scourging (called in the native collector's office, "extracting the devil"); suspending a man by his arms tied behind his back, which, I believe, is the Indian punishment of the *strappado;* plunging into wells and rivers, until the victim is half, or sometimes wholly, drowned; placing the carpenter beetle, or other gnawing insect, or some stinging reptile, confined within a cocoa-nut shell, on the navel or still more sensitive part of the body, causing great torment; cudgelling with bludgeons with such severity as to produce dislocation; placing the muzzle of a musket on the great toe, and forcing the party to continue with it for hours in the burning sun; placing a stick across the chest with a man seated at each end of it, so as to produce partial suffocation (I have heard that this has been in some cases continued until the tongue protruded from the mouth); binding a limb by twisting a rough rope round it, so as to impede the circulation, the intensity of the torture being increased by the application of a composition of red pepper, salt, and mustard. This torture the Court of Directors have themselves described in their Judicial Dispatch of the 11th of April, 1826, page 7 of the Report. Another punishment is the stocks—a very different punishment from the stocks formerly used in this country; the victim is placed on his back, with his heels in the air, his face exposed to the sun by day, and the damp and cold by night. Then there is lifting up by and tearing out the mustachios—not only a very painful torture, but a great indignity into the bargain; placing the victim on a nest of red ants, also a very painful torture; squeezing the crossed fingers; pinching the fingers between a cleft bamboo; torture by the kittee, an instrument by which the fingers are gradually bent back until the pain is unbearable; pinching the inside of the thighs; nipping the flesh with wooden or iron pincers; pounding the joints with mallets of soft wood; flagellation with every kind of scourge in every part of the human body, and with such severity as occasionally to cause death (at page 80 will be found a case mentioned by Mr. Lushington of a man flogged to death for non-payment of taxes); tying rags round the fingers and setting fire to them; burning various parts of the body with a lighted cheroot, heated packing needles, and searing irons; wrapping the body in cotton steeped in oil, and setting fire to it; compression of the sensitive organs of the body; driving thorns under the nails; filling the nostrils, eyes, and other parts of the body with cayenne pepper; applying the bamboo pincers to women's breasts. In their dispatch of the 12th of September, 1855, the Directors refer with great satisfaction to a passage in the Report, paragraph 70, page 35, in which the European officers are acquitted of giving countenance to the infliction of torture, and in which also, it is alleged, that the natives place implicit confidence in the integrity of the European officers. Now, I will state some facts bearing on these points, and then leave your Lordships to draw your own conclusions. For my own part, I cannot agree with either assertion. First, with regard to the confidence placed by the natives in the integrity of European officers. Now, I have made copious notes from the Report of the evidence of the natives themselves, which expresses anything but confidence in the European functionaries, but I will confine my quotations to what Europeans themselves say on the subject. At page 86, Mr. Minchin, sub-collector of Nellore, states:—

"The fact that no cases of torture have been inquired into for the last seven years must force on the mind the conviction that the body of the people believed that the system of personal ill-usage for the collection of revenue was at least connived at by the Government and its officers. The answers to any questions on this point have been always confirmatory of this humiliating truth."

At page 89, Captain Boileau, civil engineer, of Nellore, states:—

"The idea of torture being tacitly tolerated by the Government or its European officers is so far prevalent that a belief is expressed that any complaint made of torture inflicted for the non-payment of the kist (rent) would not be attended to."

At page 95, Mr. Saalfelt, agent to Messrs. Arbuthnot and Company, a very important witness, from his necessarily constant intercourse with the natives, states:—

"Not a single individual can be found bold or resentful enough to make torture a subject of complaint, simply because the idea is prevalent among the people that such acts are tacitly tolerated by the Government."

The Earl of Albemarle

At page 97, the Rev. E. Webb, of Bellary, says:—

"He must add in conscience that the impression entertained by the people is that by many European servants of the Government the whole subject is avoided, and that it is tacitly permitted as a sort of irremediable evil. I have myself received the reply from more than one gentleman in the service of the Government when reference was made to this mode of obtaining evidence, 'We have nothing to do with that, it is all *sub rosâ.*' These gentlemen would, without doubt, have severely punished a case of the kind satisfactorily proved."

At page 115, Mr. F. W. Goodwyn, Civil and Session Judge, Salem, says:—

"As far as I could ascertain or judge, the idea was prevalent among the people that such acts were tacitly tolerated by the Government or its European officers. If directed to do so, I can furnish some details which appear to me to support the above opinion."

At page 216, Mr. Bourdillon, collector of Arcot, quoting the evidence of a native revenue officer of North Arcot, says:—

"The ryots do not think that the Government and collector do authorise such acts; but they think the collector does connive at it, and that if any charge of this kind were given, the collector would inquire into it formally, but at the end he would dismiss it on the ground that the charge was not proved. On this account the ryots are backward to make complaint."

What constituted connivance? If it is said that non-connivance meant ignorance of the fact, that plea certainly would not be substantiated. Ignorance of the existence of torture among the civil servants of India was impossible. The hon. Walter Elliot had made a very able report on the subject of torture, had drawn up an analysis of the evidence, from which it appears, at page 230, that—

Of 215 responses elicited, only seven express a disbelief in the existence of the practice, seventeen give no positive opinion, while 197, of whom 112 are public officers engaged in the civil administration, &c., concur in stating their belief in the prevalence of the evil to a greater or less degree."

Again, Judge Cotton, of Masulipatam, says, that if the civil servant were asked, "Does torture exist?" from the highest to the lowest subordinate official the answer must be in the affirmative. I may be very uncharitable, but I cannot conscientiously acquit the civil servants of India of all non-connivance of torture. Connivance of some kind was shown by the almost universal repugnance of the civil servants to convict a subordinate of the offence, even upon the strongest evidence.

Take one district alone—that of Coimbatore. At page 131, it would be found that Mr. E. B. Thomas, a magistrate in that district, states that "torture, properly so called, had ceased to prevail." Mr. M. J. Wallhouse, another magistrate, also states that he "considered his knowledge of facts enabled him to pronounce that the statements in the speeches circulated by the Government (*i. e.* the speeches in the other House) were pure fictions," as regarded that district, and yet, on looking a little further, it would be found that two men had been tortured to death in his district. Look now to page 299, and your Lordships will see the Torture Calendar for this same Coimbatore. I find that from 1847 to 1853, there have been thirty-one convictions, involving no fewer than sixty offenders, all public officers of the Government. Two of the convictions are by Mr. E. B. Thomas, the very collector who states that "torture has ceased to exist," and thirteen convictions involving twenty-three cases, by Mr. M. J. Wallhouse, the magistrate who pronounces "the existence of torture to be pure fiction." True it is that in the record of convictions, the kind of torture is veiled under the vague title of ill-treatment, but in that list we find the stocks, the handcuff, and the scourge. Now I will only select two cases, and they shall be two of the thirteen convictions of Mr. Wallhouse. I adduce them to show that the inadequacy of the punishment on the delinquent affords evidence of connivance. The sixth conviction on the list, date 1848, four men for torturing the prosecutor, and taking away fifty rupees he had in his house. That is torture and burglary. The principal in this case is fined the sum of ten rupees, being one-fifth of the robbery he had committed. Five officers are convicted of torturing a man for the purpose of extorting revenue, the amount not stated. Three of these are fined eight shillings each, and two, four shillings each. In not one case out of the thirty-one convictions does dismissal from office seem to have followed. In this country dismissal would follow in every case, and in most of the cases a penal servitude of four years' duration would be the slightest punishment which a Judge would inflict. Let me now call your Lordships' attention to the causes of torture, and I think I shall show they are distinctly traceable to maladministration. Let us first look to assessment of the land.

One of the facts proved is the necessity of torture for the realisation of the revenue, and I think that fact alone will establish the point that there existed the grievance of over-assessment. When rent could only be obtained by means of torture, it might safely be assumed that the land was rented too high. Mr. Seymour, when fortunately for the natives of India he visited India—for otherwise these atrocities might not have been brought to light for another half century—asks Mr. F. N. Maltby, collector and magistrate of Canara, whether the Government had taken the best measures to put it (torture) down, and he (Mr. Maltby) replies, that he could never say that, so long as they maintained in many districts a rate of assessment which he believed to be excessive. Mr. J. D. Bourdillon, collector and magistrate of North Arcot, enumerating the causes of torture, instanced the high assessment of the land:—

> "With a moderate assessment," says Mr. Bourdillon, "land would have become a valuable property, and a man would not only have taken care not to incur the loss of it, but in case of adversity would always have had in itself the means of satisfying the Government demand upon it. Further, had the assessment been moderate, that circumstance would have powerfully tended to raise the character of the people, for when men begin to possess property, they also acquire self-respect, and the knowledge how to make themselves respected, and will no longer submit to personal indignities."

With regard to the necessity of torture for the realisation of revenue, Mr. W. Sloane, Sudder Ameen (a judge empowered to try causes to the extent of 1,000 rupees), of Vizigapatam, states—

> "Parties who have had the fullest means of knowing the truth of what they stated, have told me that, without resorting to torture, tehsildars (native collectors) and heads of police would find it impossible either to collect revenue or detect criminals."

Mr. J. M'Kenzie, merchant of Bimlipatam, an important because an unwilling witness, whose extenuation of torture, and contradiction of himself the Torture Commissioners have pointed out, states—

> "Certain I am that if the ryots come to entertain the belief that the tehsildars (native collectors) dare not and will not use any other means to collect the revenue than those authorised by the strict letter of the regulations, the void in the Madras Exchequer will be large indeed. I have heard of the experiment being tried in some not distant districts, and the results were such as might have been anticipated. The annual jummabundy (rental) reports were far from being satisfactory."

Mr. J. J. Minchin, Acting Sub-collector of Nellore says—

> "I believe that there is not one native official who does not expect that the new system will be followed by a decrease of 50,000 rupees in this division, and of a lac or a lac and a half (£10,000 or £15,000) in the whole district."

If all the other collectorates were in the same condition as Nellore, the defalcation of the Madras revenue would be nearly 8 per cent, or £350,000, a sum which in such a case must be considered as extracted by mere force of torture.

Having shown that torture and high assessment are inseparable, I will take another example from the Report, and prove the converse. I will now show how moderate assessment is marked by the absence of torture. In the town of Madras, where there is a fixed and moderate rent, and not an annual assessment, where the police and revenue departments are separate, and where there exists the supervision of an active intelligent European population, torture is unknown; but of the twenty other collectorates, there are only two in which there is an absence of torture, namely, Canara and Malabar. In these two districts, the assessment is low, and the proprietors are not a numerous class of pusillanimous occupants, but a few sturdy, independent, and somewhat recalcitrating landowners, who have inhabited those districts immemorially, and who will not submit to be over-taxed.

> "Both in Canara and Malabar, (say the Commissioners), the land tax is generally light, the people are flourishing, the assessments easily and even cheerfully paid; the struggle more often being, who shall be allowed, than who shall be made to pay the Government dues."

(This was evidently in order to establish a title to the land.)

> "Land has acquired a saleable value, and allotments of waste are eagerly contended for. Who, (continue the Commissioners,) can be surprised then, at hearing one and all the European dwellers in those favoured spots declare, that there torture for revenue purposes is comparatively unknown?"

I will not now revert to the tax moturpha, but will speak of the ryotwarry, which is, if possible, as absurd and impolitic as the moturpha itself. I have several times attempted to awaken the attention of your Lordships to a sense of the sufferings of the Madras people, with respect to this very tax. I will here read a definition of the term "riotwarry," in Wilson's *Indian Glossary*, and the very definition sounds like a libel on a civilised Government—

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> "Ryotwaur, familiarly applied to the revenue settlement, which is made by the Government officers with each actual cultivator of the soil for a given term, usually a twelvemonth, at a stipulated money rent, without the intervention of a third party."

Here there is, ostensibly, an undertaking, on the part of the European, to enter into a direct and annual settlement with every peasant proprietor without the intervention of a third party, but in reality neither the surveyors of the land, nor the assessors and collectors of the tax are Europeans, but natives, the higher class of these men receiving a salary of £70 or £100, and the lower only a salary of £12; and as they live at ten times that amount, they of course eke out a livelihood by the very power which this tax gives them. The Government has not furnished me with the returns for which I have moved; I must therefore make use of such documents as I can lay my hands on. An able article, which appeared the other day in *The Times*, fixed the number of proprietors in Madras at 5,000,000; and the number of European servants, it appears by the Torture Report, who ostensibly survey and assess that number of farms was seventy. Seventy Europeans to assess every field of 5,000,000 farms! The idea was absurd. As a necessary consequence, the people of Madras were left to the mercy of a legion of underpaid, undisciplined revenue officers, armed with all the powers of the police, and exercising those powers without supervision. Mr. Walter Elliot in his evidence upon this subject, at page 83 of the Report, says—

> "The number of ryots paying an assessment of less than ten rupees (20*s.*) per annum is 630,704."

Now, in the five northern Circars, the average number of pauper ryots is 30,000 for each, or 150,000 for the whole. The population of the Circars is 4,284,139. If proportions in the other fifteen provinces be the same the number for the whole presidency will be 786,426.

How has this number of pauper proprietors been created? Are they a *damnosa hæreditas*, left us by the Mahomedans? No; they have been created by the cruelty and fiscal rapacity of a Government more barbarous than that of the Mahomedans—by the Government of the East India Company. An account of the manner in which a pauper proprietary has been created is ably given by Lieutenant H. L. Grove, employed in the Godavery Works:—

> "From my constant residence among the natives I can assert that, without using force, a considerable portion of the revenue never could be collected, and the same difficulty will exist so long as men, who are wretchedly poor, and utterly unfit for anything but coolee (day labourer's) work, are permitted, either voluntary or (mark this, my Lords,) by force, to become cultivators. In every village there are some bits of waste or bad land, which the wealthier ryots will not cultivate; but as the Circar's (Government) annual demand must somehow or other be paid, the names of some of the poorest inhabitants (and even sometimes without their knowledge) are put down for these bad bits. In vain do the unhappy creatures declare that they know nothing about cultivation, that they have no implements, cattle, or plough, or that they were ruined last year by the loss of their crops. They are told that the Circar's money must be raised, and they are promised tuckavee (advances) to purchase what they require. If the man is still unwilling to take the land, the village authorities bring him to the notice of the Amildar (collector), who orders him to his cutcherry office, where, by threats and force, both moral and physical, he is induced to cultivate."

Now, call this what you will, it is prædial slavery. If a man is forced to cultivate in order to yield revenue, and forced to work upon the public works without reward, what is this but substantial slavery?

I will now show the great impolicy and cruelty of the tuckavee (advances) system, from the evidence of a native, to which great importance is very properly attached by the Commissioners. This gentleman, A. Nulla Moothoo Pillay, Quit-rent Amildar (collector) of the Madras Collectorate, p. 222, says—

> "Whenever the ryots wanted tuckavee (advances) for buying cattle, or in any way to help themselves in cultivation, the half of the amount which they applied for would be appropriated among the Talook (Government) servants, and the other half given to the ryots, who applied for the whole; but when they demand fully the advanced sum, they (the Circar servants) use the most cruel torture towards those that resisted or hesitated to pay the amount which they had received only in part."

Another cause of torture is the union of the functions of police officer and revenue officer in one person. In 1792 Lord Cornwallis completely separated the administration of revenue from that of police in Bengal, and in 1802 his regulations were introduced into Madras. In 1816, however, they were rescinded, and the offices of judge, magistrate, and collector, were centred in one person. Several able protests were made against this barbarous and unprincipled measure, from one of which I will read a short extract, although I recommend all the quotations given in the Report from this able State paper to your Lordships' serious perusal. Mr. Fullerton, a Member of the Madras Council, afterwards Governor of the Straits Settlements, in a Minute dated January 1, 1816, says—

> "It is not, I conclude, intended to make police or the administration of the criminal law subservient to the collection of revenue—meaning, of course, that it was the intention of his honourable masters to do so—to vest in the collector such a degree of overwhelming authority as will enable him to dictate the terms of cultivation, to infringe on the personal liberty and the free exercise of the labour of the ryots, and extract, by an organised system of compulsion, a revenue beyond the natural result of voluntary engagement."

It appeared that the East India Company did intend by this step to dictate the terms of cultivation, to infringe on the personal liberty and free exercise of the labour of the ryot, and to do all that Mr. Fullerton deprecated. Two years after this protest, namely, in January, 1818, when full experience had been acquired of the cruel working of the measure, the Revenue Board issued a Minute, contrasting Lord Cornwallis's, or, as they were then called, "the new regulations," with the ryotwarry. They said—

> "The new regulations required revenue to be subordinate to justice, while the ryotwar system has rendered justice entirely subordinate to revenue."

I hold our East Indian Government of the present day responsible for these evils inflicted upon the unhappy inhabitants by their predecessors, because, with all the evidence before them which has been collected as to the cruel working of the present law, they have actually, in their despatch, written as late as September 12, 1855, recommended that the union of the revenue and judicial functions should be carried into effect in Lower Bengal, where, as I have every reason to believe, the practice of torture even now exists, and requires no new cause to be added for its infliction.

The remedies for these evils are obvious. The assessments must be reduced, and they must not be made annually. Instead of entering into arrangements with each individual collector, the Government must fix the amount of rent or land tax for a long and for a definite period, and whenever an augmentation takes place it must be one of a fixed and specified amount not exceeding 5 or 10 per cent. The necessity of having a large amount of European functionaries must be admitted, although its practicability may be denied. There are 1,000 civil servants in India to a population of between 100,000,000 and 150,000,000, being one European to every 100,000 or 150,000. The thing is absurd, but the evil will not be remedied so long as they maintain the principle affirmed by the Act of 1853, that is, so long as the covenanted servants of the Company receive ten times as much as the servants of the wealthiest country of the world, whilst such poverty exists as in the Presidency of Madras with its 700,000 pauper landholders.

I have to ask your Lordships' indulgence for having detained you so long. I have discharged a painful duty, but the responsibility now rests with you. You may be pained at the fiendish malignity of the native servants, and ashamed of the disgraceful apathy, to call it nothing worse, of the civil servants, but I do not know in what terms to speak of the rapacity of that Joint-Stock Company to which Parliament and the Government of this country have farmed the Indian empire, the greatest dependency that this or any other country ever possessed, as if they had been leasing a private estate to tenants at will. On your Lordships will rest the responsibility, and you owe it to God and your country to blot out the evil and apply the remedy. I now move to *resolve*—

"That by a Report lately laid on the Table it is proved to the entire Conviction of the House that Torture, or the Infliction of Pain, for the Purpose of Confession or Extortion, has long been practised, and still continues to be practised, by the Native Officers of Government in the Realisation of the Public Revenues and the Administration of Criminal Law, to a greater or less Extent, throughout all the Twenty Provinces constituting the Government of Madras:

"That the aforesaid Torture, although clandestine and unauthorised, has been for many Years known and admitted by the constituted Authorities at Home and in India, as shown by the Public Records:

"That this House views the aforesaid Practice of Torture, affecting so many Millions of Her Majesty's Subjects, whether as an Instrument for the Realisation of the Public Revenues or the Administration of Criminal Law, or for any other Purpose whatsoever, as repugnant to natural Justice, abhorrent to Humanity, and highly disgraceful to the Character of this Nation:

"That this House hereby pledges itself to pursue the speediest and most effectual Measures within its Power for the Annihilation of the odious and barbarous Practice of Torture within the above-mentioned Government and Presidency of Madras."

THE DUKE OF ARGYLL begged to express, on the part of the Government, their entire concurrence with the opinion of the noble Earl as to the light in which they ought to regard the practice of torture, which, unhappily, had been proved to exist in one of the presidencies of India; and to admit fully that it was the duty of the Government to take every measure in their power to put an end to it as speedily as possible. It was the more necessary that he should do so promptly and frankly, because, as their Lordships might have perceived, the facts brought to light by the investigation of the Torture Commission had been quoted, not only in this country, but in various parts of Europe, as proving the indifference of the British Government; and he was not sure that they had not been quoted as showing that it had the sanction of the British Government. Therefore it was the duty of those who spoke on behalf of the Government to declare how utterly they abhorred and detested the resort to such practices, and that they considered that they were as much opposed to the interests as they were to the honour and character of the country. But with regard to the course the noble Earl recommended the House to pursue, he had a few words to say. The Resolutions which the noble Earl had proposed were, he presumed, intended to be simply the declaration of the opinions and feelings of the House with regard to the facts brought to their knowledge by the Torture Commissioners. He was far from saying that the House ought not to come to some expression of opinion, the subject having been brought to their attention. He thought, when the existence of such a practice was brought to their notice, it was fitting that some step should be taken; but their Lordships, he thought, would agree with him that whatever Resolutions they might come to should state the facts as accurately as possible, and ought not to be so worded as to convey the impression of complicity or silence on the part of the Government to foreign countries or to the people of this country. He would draw their Lordships' attention to the facts. It was scarcely three years since Committees of both Houses of Parliament were engaged in an inquiry preliminary to the renewal of the East India Company's charter. For many weeks and many months the two Houses of Parliament were engaged in investigating every possible charge that could be brought against the administration of the East India Company. Those charges were supported before the Committees by the evidence of persons who were influenced by no friendly feeling towards that Company, and who were desirous that some organic change should be effected in the government of India. He had the honour, with some of their Lordships now present, to be a Member of one of those Committees, and he thought he spoke for them as well as for himself when he said that, during the whole of that inquiry, not a whisper was heard as to the existence of the practice of torture in India, nor was it brought under their notice by any witness whatever. He was aware that some were of opinion that the inquiry might have been prolonged with advantage, and he was not prepared to deny that sufficient time for the investigation for all the questions arising out of our Indian government had been given. Nevertheless, one would have expected that if it had been a known fact that the East India Company resorted to the infliction of torture for the collection of their revenue, that would have been the first and most obvious weapon used in debate by those who were opposed to the renewal of the charter; and he mentioned it as a remarkable fact in connection with the case, that not a word upon the subject was mentioned during the whole of the discussion. Their Lordships would remember how the discovery originated. In the course of July, 1854, on the occasion of a Motion brought forward in another place, an hon. Member stated that torture was practised in the Presidency of Madras. That statement was denied at the time by those Members of the House of Commons who were more immediately connected with the Government of India. His right hon. Friend (Sir C. Wood), who was President of the India Board at the time, stated that he could not positively deny an accusation he had never heard before, but he would cause a strict inquiry to be made. The report of the debate was sent out to India immediately, and in September, almost as soon as it arrived, a Commission was appointed to inquire into the whole subject. So rapidly did the Commissioners execute their duty that in the April following their Report was concluded, and the whole mass of evidence was brought under the consideration of the Indian Government. That Report was sent to the Home Government, and within ten months of the accusation being first made in the House of Commons, the matter had been sifted and thoroughly investigated. These facts, he submitted, did not evince any reluctance on the part of the British Government or of the Indian Government to inquire into the allegations, and, as far as it could do so, to provide a remedy. The Resolutions moved by the noble Earl did not allude to a fact dwelt upon by the Commissioners of Investigation, that the practice of torture, though existing under British rule, had not arisen under British rule, and was not due to it. In almost the first page of their Report the Commissioners showed that under the various Governments immediately preceding our own in India, torture had been practised and recognised as a means of extorting both revenue and confessions. That being the case, it ought to be stated in any Resolution which might be passed by that House, and which would go forth to the world, that the practice had not arisen with us, but had been inherited from the various Governments which had preceded us. Then as to the continuance of the practice under British rule. In page 34 of their Report, the Commissioners give some singular statements of the habits of the people contracted under the despotism of former Indian rulers. To show how difficult it was for such practices to be eradicated, they say—

> "It seems to be the universal opinion among the Natives themselves, that, in criminal cases, the practice is not only necessary, but right. It excites no abhorrence, no astonishment, no repugnance in their minds. . . . . We have instances of torture being freely practised in every relation of domestic life. Servants are thus treated by their masters and fellow-servants; children by their parents and schoolmasters, for the most trifling offences. . . . . It seems a 'time-honoured' institution, and we cannot be astonished if the practice is still widely prevalent among the ignorant, uneducated class of Native public servants. . . . . There is not a Native public servant, from the highest to the lowest, who does not well know that these practices are held in abhorrence by his European superiors."

But, however the practice of torture had originated, and however long it had been continued, could it be said with truth that the British Government had connived at its continuance? In page 35 of the Report the Commissioners said—

> "We see no reason to doubt that the Native officials, from the highest to the lowest, are well aware of the disposition of their European superiors. . . . We have seen nothing to impress us with the belief that the people at large entertain an idea that their mal-treatment is countenanced or tolerated by the European officers of Government. On the contrary, all they seem

to desire is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them; the distance which the Natives will often travel at great personal loss and inconvenience to make complaints, even of a very petty nature, to the collector or sub-collector, is, of itself, a proof of the confidence which they place generally in those officers. . . . The abstinence of the Native officials from such practices in or near stations where Europeans, be they civilians, surgeons, commissariat, or other officers, reside, and the prevalence of torture increasing in proportion as the talook appears less exposed to European scrutiny . . . and the whole cry of the people which has come up before us is to save them from the cruelties of their fellow-natives—not from the effects of unkindness or indifference on the part of the European officers of Government."

These passages supported his argument, and he quoted them, not from the appendices, but from the Report of the Commissioners, which set forth the general impression left by the whole evidence upon the minds of honourable and independent men. Now, with respect to the ignorance of the Company or the local Government—and considering that it was clearly proved the practice was largely prevalent over the whole of India—the ignorance of its existence might seem extraordinary—the Commissioners said—

> "There are many circumstances in the peculiar condition of this country which may well account for the prevalence of even a systematic and general practice of personal violence, used for the purpose of extortion among the native population, without the general run of Europeans being aware of it."

After mentioning that, in the first place, there were only three European magistrates for a district larger than the whole of Wales, and that, therefore, anything like a minute superintendence was impossible, the Commissioners went on to say—

> "The certainty that no Native would knowingly venture to have recourse to any such practice in the presence of an European sets at rest any surprise at the very few cases in which any of our countrymen have personally witnessed the operation."

Again the Commissioners remarked—

> "Few of the civil engineers, few of the missionaries can testify from personal knowledge to the existence of torture; and, what is a more important matter of consideration, few of the medical men attached to zillah stations have any experience of the practice. When it is remembered that they have charge of the gaols, that it is their duty personally to inspect the prisoners, and that by being at the head of public dispensaries they must necessarily become acquainted with great numbers of the poor, suffering from bodily ailments, it cannot but excite surprise to find almost every one of them declaring that neither do their records show, nor does their own experience furnish them with, cases of complaints of personal violence."

The Duke of Argyll

When they found such to be the experience of medical officers, they need not be surprised at the amount of ignorance prevailing among the higher officers of the Government, and the members of the Government at home. At another point in their Report, with regard to the duties of the European officers, the Commissioners said—

> "It may here possibly suggest itself to those unacquainted with the duties of the European officials in the provinces, that they are obnoxious to blame for not personally investigating all the complaints which find their way before them; and that were they so to do, a great check would necessarily be offered to the repetition of similar causes of complaint. But they who would thus argue know but little of the nature and extent of the duties which any European officer in a district has to discharge, and are ignorant of, or forget, both the immense size of our collectorates, and the small number of Europeans employed for the ordinary administration of the affairs of each province."

So much with respect to the ignorance of the practice. But he must observe that in former years the existence of these practices had been brought under the notice of the Indian Government, and in this book were to be found many quotations from dispatches of the Directors, and from circular orders of criminal courts and revenue boards, calling the attention of collectors and magistrates to the existence of torture, and giving the most stringent directions for putting an end to it. They would find that since 1810 or 1812, when the existence of torture was first brought to the notice of the Government, on ten separate occasions various criminal courts had issued stringent orders to the police and revenue officers to put down the practice. The most important question was this—had any one act of the Government tended to continue the practice? The noble Earl who brought the question forward had used strong language in reference to the East India Company. But it was very difficult to say what share the East India Company had in the matter. The East India Company was under the Board of Control, and any censure directed against the East India Company was, in fact, directed against all the various Governments which had had control over that body, and were responsible for the exercise of their powers, in so far as these could be made effectual. Moreover, he (the Duke of Argyll) thought the language of the Resolution was stronger than was warranted by the facts, although, no doubt, one of the regulations had an unfortunate influence in perpetuating the practice of torture. He meant, with reference to the junction of the police and revenue duties in the hands of one body. With regard to this regulation, there was a passage in the Report of the Commissioners, in which he cordially concurred. He would read it to their Lordships, because he thought it important to call their attention, not merely to the sentences which were exculpatory, but to those which were incriminatory of the Government. The Commissioners said—

> "Thus it will be perceived that the collection of the land revenue was entrusted to the very class who had from time immemorial been accustomed to practise the most cruel and violent tortures upon the persons of the unfortunate prisoners in their custody, accused or suspected of crime, and that with the full cognisance and even approval of their fellow-countrymen at large. Now, it certainly does not seem to be drawing an overstrained inference to argue that the peons accustomed to elicit confessions in criminal matters through the instrumentality of torture would not be slow to have recourse to the same or similar appliances for the extortion of dues in revenue matters; especially as the practice was of long standing also in this department of the State administration under Native rule, and no innovation or surprise upon the habits and customs of their fellow-countrymen. We do not mean to say that there may not have been an equal, or possibly even a greater amount of personal violence in the collection of revenue previous to 1816 than subsequent to that epoch; but while the diminution is traceable to other causes, the concentration of all police and revenue duties in the same hands appears to us necessarily to have destroyed that check which would have resulted had these powers been committed to two distinct bodies."

The noble Earl had alluded to the protest of Mr. Fullerton against this combination of duties, but he had avoided all reference to the still higher authority by whom that system had been recommended. During the discussions upon India two or three years ago, the noble Earl (the Earl of Ellenborough) spoke of Sir Thomas Munro as the greatest name in the history of India, and as standing nearer in mental calibre to the late Duke of Wellington than any other public man of modern times. Sir Thomas Munro, moreover, was a man who took the Native population especially under his protection. Yet it was this Sir Thomas Munro who opposed Mr. Fullerton, and supported the measure which it was now said, perhaps correctly, had tended to the continuance of torture in India. It was hardly fair, then, to charge the Company with the intention to continue the practice of torture, and to get revenue at any cost, by making that charge, when the change was supported by such a man as Sir Thomas Munro. He would now direct their Lordships' attention to what was now being done, and what was proposed to be done, to eradicate this abominable system from the Presidency of Madras. By reference to the last few pages of this Torture Report, it would be found that Lord Harris, the Governor of Madras, concurred in every suggestion of the Commissioners. Lord Harris wrote thus:—

> "I concur generally with the views of the Commissioners with respect to the remedies which should be adopted for rendering the general administration of the Government more effective, and at the same time equitable and beneficial to the people. Some of the measures mentioned, more especially those respecting the police and magistracy, have been under my consideration for some time, and I should have already moved on these subjects on which discretionary power has already been given to this Government by the hon. Court in its dispatch No. 8, dated August 23, 1854, but for the delay which has occurred of more than six months in procuring information on the police force of Bombay. The evidence brought forward in these papers strengthens the views which I had already arrived at on these subjects, and there is a very remarkable confirmation of the advisability of the separation of the revenue and police in the absence of charges against the police of Madras. I hope this Government may soon be able to embody a comprehensive and valuable change in the unsatisfactory system now in force. At the same time, the whole subject requires serious consideration, and must, with the greatest desire of improvement on the part of the Government, take considerable time in its completion. On one point to which attention is drawn by the Commissioners I think an immediate change might be beneficially made—that as regards the state of the law on this subject; and I would propose that the Advocate General and Government Pleader should be called on, in concert, to propose such alterations as would be likely to remedy the evils mentioned."

He read that extract to show that the Government of Madras had resolved upon immediate action, and was in favour of almost every suggestion made by the Commissioners, although he saw difficulties in the way of carrying them into effect, especially in the employment of a greater number of European officers. It seemed to be universally admitted that it was difficult to increase the number of Europeans in that Presidency at the present moment, and it was the more to be regretted, because without that increase it was impossible to make speedy way in the abolition of the system, which was clearly proved to prevail in proportion to the distance from the stations of the European officers. With regard to the separation of the revenue and police departments he could not but express an earnest hope that such a measure would be found practicable. He cordially concurred in the opinion expressed by the noble Earl, that it was most inconvenient and dangerous that the annual assessment of land —itself a most objectionable practice—should be conducted by a set of men whose habits were such as had been described, and he trusted that some means would be discovered to effect a severance between those two great services. At the same time he was bound to remind the House that the Commissioners had themselves admitted that there were serious difficulties in the way of so desirable a measure of reform. They commended and desired it, but avowed that the question was beset with embarrassments. A dispatch from the Presidency of Madras, received as recently as that morning, showed that the local Government were anxious to abolish the annual and to substitute a fixed assessment of land—a measure which would go far to supersede the necessity for employing those Native servants whose interference had been productive of such unfortunate results. In fact, the whole question was engaging the serious attention of the Government both in England and Madras. With respect to the Resolutions now before the House, they did not hold out any hope of a practical remedy for the state of things complained of; they merely indicated the opinion of the House, and pledged their Lordships to such measures as they might be able to take. Nor, indeed, could it well be otherwise, for their Lordships could not practically take any steps unless they proposed some great organic change, in which they would require the co-operation of the other House of Parliament. In the meantime all they could do was to call the attention both of the local and home Government to the subject. If, therefore, the noble Earl was resolved to press the Resolutions on the adoption of the House, he (the Duke of Argyll) would take leave to propose certain verbal alterations in the first and second, the effect of which would be to place the subject rather more fully and fairly before the country. Thus amended, the Resolution would read as follows:—

> I. "That by a Report lately laid on the Table it is proved to the entire Conviction of the House that Torture, or the Infliction of Pain for the Purpose of Confession or Extortion, has long been practised in India, and, that though derived from former Governments and steadily decreasing both in Severity and Extent under British Rule, it still continues to be practised by Native Officers of Government in the Realisation of the Public Revenues and the Administration of the Criminal Law, to a greater or less Extent, throughout all the Twenty Provinces constituting the Government of Madras:
>
> II. "That the aforesaid Torture, although clandestine and illegal, has been for many Years known to exist, and has been repeatedly denounced and condemned by the constituted Authorities at Home and in India, as shown by the Public Records:

For the third and fourth Resolutions of the noble Earl he should propose to substitute the following—

> III. "That this House observes, nevertheless, with great regret and Disapprobation, the very inadequate Punishments which have been frequently inflicted upon the Perpetrators of these atrocious Crimes:
>
> IV. "That this House relies upon the zealous and continued Exertions of all Persons in authority in this Country and in India to extirpate a Practice disgraceful to the Character of our Government and calculated to render it odious to the People of India."

He trusted that their Lordships would be of opinion with him that these Resolutions would meet the exigencies of the case and adequately vindicate the honour of the Government.

THE MARQUESS OF CLANRICARDE said, that while he must commend the tone in which the question had been treated by the noble Duke, and though he was willing to believe with him that the Home Government was without complicity in these dreadful practices, and that no British Minister, of whatever politics, was cognisant, or, if cognisant, could view them with any other sentiments than those of horror; he could not so easily acquit the East India Company. He should not, however, have risen to offer any opinion on the subject had it not been for what had fallen from the noble Duke with regard to what he called the British Government. It was difficult to say what was meant by the East India Company, and as difficult to say what was meant by the British Government. But one thing was certain, namely, that when the Government was spoken of in India, the East India Company, to whom it pleased Parliament two years ago to commit the government of that country, was meant; and when it was asserted that that Company was ignorant of the practice of torture in India, he denied it, and would prove his denial by the records on the table. He could believe it possible that the Governors who were sent out to India were ignorant of these practices, but it was difficult to say whether it were a greater shame to be ignorant, or to be cognisant, of their existence. Their Lordships should remember that the subject had not come to the cognisance of Parliament from having been brought substantively before the House of Commons. The discovery arose from the incidental assertion of an English gentleman who had travelled in that country, on occasion of a Motion on the land tenure in India in the House of Commons. In the course of the debate, that Gentleman asserted that to his knowledge torture was inflicted on the Natives of India not only in criminal cases under inquiry, but also in the collection of the revenue. This assertion was met by a distinct denial on the part of certain Members of the Lower House, who were connected with the Company, some of whom had been thirty years in the Company's service; and one Gentleman, who exerted great influence over the Indian administration, namely, Sir James Hogg, actually twitted the hon. Gentleman with having gone into remote districts in the prosecution of vague and idle inquiries. But notwithstanding these disclaimers, the truth was brought to light by the subsequent Commission of Inquiry, and it was to Mr. Danby Seymour they were indebted for the disclosures they were then discussing. The East India Company had denied the practice of torture so far as applied to the collection of rent tax, but not in other respects; but he repeated the East India Company must have known of the infliction of torture, and wilfully and disgracefully concealed it. Lord Harris, who had lately arrived at Madras, and was, doubtless, ignorant of those practices, said, and it showed the ignorance or deceit of the persons by whom he was surrounded, "He would not hesitate to repel such accusations on the part of the Government service, but it would not be satisfactory to that service if they were not inquired into." When the question with reference to the police was alluded to, the Governor in Council said:—"The Government is desirous of ascertaining the extent to which similar practices are carried on in the Presidency." He then proceeded to say that strenuous exertions would be made, and so on. On the margin of that very document there were actually no less than ten circular orders quoted, beginning in 1806 and going on to 1852—their Lordships would observe that he (Lord Harris) was writing in 1854—showing that torture had been long and notoriously practised. Now, what he (the Marquess of Clanricarde) wanted to know was, why the practice, thus shown to be well known, was not put a stop to until the issuing of the Commission? He (the Marquess of Clanricarde) would show their Lordships the facility with which the information on the subject of torture might have been obtained if required, and the manner in which such torture was spoken of by the servants of the East India Company. One of the witnesses most to be relied upon was a Captain Frederick Nelson, a gallant officer on service at a place called Ongole. Their Lordships would observe that the Order in Council, from which he (the Marquess of Clanricarde) had just read a short extract, was dated the 9th of September, and on the 18th of September the officer referred to was in a position to give ample information on the subject, he having been an eye-witness. A Native went to that gallant officer to complain that he had been tortured for rent; but the evidence not being quite to the satisfaction of Captain Nelson, he proceeded to the sort of police court in which the alleged torture was said to have been carried on. Arrived there, he twitted the man who complained by asking him where the instruments were with which he was tortured, who, in reply, pointed out those instruments, and three or four persons being tortured then and there; and Captain Nelson further ascertained that it was for the non-payment of the rent tax that the punishment was inflicted. Could the East India Company deny that they were cognisant of such tortures? and if they were not, what other horrors might not be perpetrated at that or other places of which that House never even heard. In the Report of the circumstances of the case to which he had just referred, the proceeding was spoken of as one of "coercion." It went on to say that, so far as Ongole was concerned, torture was not used by revenue officers, "unless canes, ferules, &c., could be considered instruments of torture"—but that he (Captain Nelson) felt it his duty to reveal the circumstances which had come under his notice. Those facts would never have been revealed if the Order of the 9th of September had not been sent forth, and that Order would never have been made but for the fortunate journey of Mr. Danby Seymour to that part of the world. If all the circumstances now before that House had been brought before the Commissioners in 1853, and if the Committees of both Houses had been carried on, as he (the Marquess of Clanricarde) believed it had been intended to be carried on, by the noble Earl opposite (Earl of Derby), they might have made a very great difference in the way in which the subject had been dealt with at that period. It afforded matter for the grave consideration of Parliament when such practices were brought accidentally before it, showing, as they did, the conduct of the East India Company's servants, affording an insight into what Mr. Burke called "the inmost recesses and labyrinths" of Indian subjects. The noble Duke (the Duke of Argyll) said, in answer to a part of his noble Friend's (the Earl of Albemarle's) speech, that it was not for purposes of money that those practices had been connived at, but he (the Marquess of Clanricarde) would ask why, if they were not resorted to in the cause of revenue, was there not a better system of government established throughout the country? But clearly torture was resorted to in the collection of land tax, and in connection with the police; and the continuance had resolved itself to a question of money, and nothing but money. If the Indian Government had proper officers for the collection of the revenue, and a proper police, these things could not happen, and it was entirely owing to the system of government in India that they were permitted to go on. Unless there was established a more perfect supervision of the practices of those persons to whom they entrusted the collection of the taxes, there could be no guarantee that such practices would not continue to prevail. Their Lordships had been assured by the noble Duke that steps had been taken, and would be taken in reference to these transactions. So far as the Government of Madras had now moved in the matter, he was bound to admit that they had pursued a satisfactory course; but he could not conceal the fact that their Lordships had not the security that these steps would be followed out to their legitimate consequences. Whenever the subject was properly considered, in connection with it must be taken into consideration the question of Indian finance —the two things necessarily acted and reacted upon each other. The Government of Madras doubtless thought it necessary to impress upon its European collectors the necessity of collecting every shilling that could be obtained from the people, and the Native agents had it impressed upon them that they were to obtain every farthing the Government required. Moreover, by these latter torture was occasionally inflicted for the gratification of their own bad passions. That would, therefore, be a partial and unsatisfactory settlement—amounting, in fact, to little better than no settlement at all—that did not take both questions within its terms. One excuse advanced in defence of torture was, that the Natives were so fond of money that nothing but torture would extract it from them. That, however, was an argument deserving of very little weight. He hoped that the present discussion and inquiry would put an end to practices about which only one opinion could be entertained by that House; but he rejoiced that they were not to go to a division on the question—that was not the time for coming to any decision—and he would warn their Lordships that at some future time the entire problem would require solution at their hands.

THE EARL OF ELLENBOROUGH: My Lords, I rejoice that this subject has been brought under your Lordships' attention by the noble Earl, and I rejoice also that there is every prospect that we shall not be called on to divide on this Motion, for I think it would be highly undesirable that there should be even the appearance of the slightest difference of opinion among us with respect to this enormity, and with respect to the duty of the Government to take every measure in their power for its extirpation. In the course of my public life I have been connected with the government of India—in this country about two and three-quarter years and in India two and a quarter years—in all five years, and in the whole of that time I never heard of or had the slightest suspicion that the practice of torture existed in any part of India; and if at any time before I had read that Blue-book which lies on your Lordship's table, I had heard that such a charge had been made against the Indian Government, I should have repudiated it with no little indignation. But I must say, that inasmuch as it is now certain that this practice has constantly existed to a greater or a less degree—delivered to us from our predecessors, the Mahomedan rulers of the country, and continued under our own Government, for half a century—for we have had possession of these provinces for more than fifty years—it is to me a matter of the greatest surprise and regret that there should have been that silence on the part of those persons who must have been cognisant of it, and that it should never have been brought prominently under the notice of any one entrusted with the Government of the country. It must have been known among those who carry on the Government in subordinate positions; but, beyond all question, those who are the heads of the Government have never become acquainted with it. I do not go with the noble Earl to the length of attributing connivance in this practice to any member of the civil service in India; but I must say that I do not think the officers of that service have shown that sensitiveness upon the subject of the existence of so dreadful a crime which might have been expected from the feelings of English gentlemen. I think it most extraordinary too, that, with the exception of a very few cases, the punishment inflicted for this offence should have been so extraordinarily inadequate. And not only that, but also that in so very many instances the magistrate should have held the case not to be proved, and in so very many others that he should have consented to that which seems to me to be totally inconsistent with our ideas of the administration of criminal justice—a compromise between the person tortured and the man who had tortured him. I look upon this circumstance with more than regret, and I do hope that the Government at home and the Government in India will make the gentlemen who exercise authority under them in India thoroughly understand that the administration of British India is hereafter to be conducted in a very different spirit from that in which it appears to have been conducted according to the papers upon your Lordships' table. I rejoice that the noble Duke (the Duke of Argyll) has stated it to be his opinion, and, as I understand, that of Her Majesty's Government, that it was absolutely essential to separate the functions of the police from the collection of the revenue. I have always been of opinion that the police and the revenue should be in different hands; but the noble Duke will find, and the Government here will find, more practical difficulty in carrying that separation into effect than they expect, and unless the greatest resolution is shown by the authorities here, you may depend upon it failure will ensue. I say this with the more confidence because this was the only subject on which I and my Council did not agree. I never could get them to adopt the view which I always entertained as to the necessity of separating the police from the revenue department. But if you only separate the two departments you will do but little. The proposition which I then made, and to which I did not obtain their assent—a proposition which I think absolutely necessary for the good government of India—was that the police should have a military character. Wherever I had the opportunity, as I had in the North Western Provinces, I did everything in my power to carry that measure into effect. In Scinde, I had a *tabula rasa,* and I immediately wrote to my gallant friend (Sir C. Napier) with my sanction to establish there a system of police which should serve as the model of the police all over India. In that country the police is altogether military; it is armed, drilled, and paid like soldiers, and it approaches to the military character more nearly, I apprehend, even than the police of Ireland. The country is divided into districts, each under the charge of a lieutenant, who corresponds regularly with his captain, in whom is vested the superintendence of the body throughout the whole province, and, by an admirable regulation of Sir Charles Napier, not only are special reports made of every noteworthy occurrence either in the police or revenue departments, but a weekly report is also sent in of all occurrences which are in any degree important in either department. No wrong, therefore, can be done without a combination of two hostile authorities—of two authorities certainly jealous of each other—constituted in a totally different manner and under different heads. The result has been not only the absence of cruelty, but the most perfect good government, the protection of the inhabitants, and the prevention of crime. In other parts of India, the police are entirely useless for the preservation of order. If there is a disturbance they run away, as was shown in the Santhal insurrection. They are powerful for the persecution of the people, and useless for their protection. I am perfectly confident that there is no other method of securing the due administration of police duties but by separating the police from the revenue service. When that has been effected, it is absolutely necessary that the pay of the European officers should be such as to induce, not only young, but old, respectable, and experienced officers to take commands in this force. It is also necessary that the pay of the police should be increased in order to induce respectable classes of men to enter into it; and, more than this, it is most desirable that there should be in the police so many different grades well paid, so as to make it worth the while of persons expecting soon to rise to non-commissioned situations in the regular forces of the army to transfer their services to the police. In the first instance, at least, it would be most desirable to obtain the aid of military men in the organisation of the police. I say this, because it was impossible for me in passing through different parts of India not to perceive the difference of character between persons belonging to the army and persons having only a private character. There is nothing so humiliating as to observe the servile *salaam* of the persons who crowd the courts of the civil officers. There is nothing, on the other hand, more graceful and dignified than the appearance of the Native soldier when he salutes his officer. While he evinces respect for his superiors, he shows also that he respects himself. In all cases you will find that the only true mode of really improving the moral character of the people of India is to draw the Native officers exercising authority over them from the army, by which they were ennobled, and became a different class. There is one point forced on our observation by the papers on the table, which, though strongly noticed by the Commissioners, is not noticed by the Court of Directors, namely, the connection between the persons who direct the police and who compose it, with the persons who are about the court of the collector, and who may be called his head-quarters staff. There is nothing more dangerous or improper in the state of India than the connection between the persons in the police and the persons who were generally understood to have the ear of the collector. It leads to the keeping back of complaints which ought to be made, and to the defeat of justice when complaints are made. I feel this matter most strongly; and from the first time I became acquainted with the affairs of India I have always entertained the greatest apprehensions that many of the evils with which India is afflicted were derived from the circumstance of the European officer being much more than he ought to be in the hands of the Native officers by whom he is surrounded. The more the European officer is young or inexperienced, the more, of course, he falls under the control of these Native officers. One circumstance which is considered most calculated to improve the condition of the people—namely, the extension of education—is, from the manner in which it operates, calculated more than anything else to increase the evil; for it is too commonly found that the persons receiving instruction are the sons and relations of persons already in office, forming, consequently, a low official aristocracy, calculated to hold permanent possession of office, and making themselves useful to the European by the very knowledge of his language. I think it would be desirable to direct the European officer to pass six months in every year under canvas, not to wait until the Natives come to him for justice, but to go about and visit every part of his district, and make himself on every occasion accessible to the people. He would thus become acquainted with their wants and feeling; many grievances, perhaps heretofore unsuspected, would come to his knowledge, and it would be impossible for such things as we are now lamenting to take place and remain unknown. The best thing to improve the Madras territory would be to pass an Act with one short clause, giving the Governor the power of leaving the Presidency, of going into the interior with all the powers of Governor and Council, and of seeing things with his own eyes. There is one point on which I entertain a different opinion from many who have expressed their views upon this subject. It is considered that the great cause of all the evil now under notice is over-assessment, especially in the case of the land revenue in the Madras territory. Now, I have referred anxiously to the papers on the table of the House in connection with the subject, and I confess that the result on my mind is, that the revenue of the Madras territory is, on the whole, not excessive, but ill assessed and ill administered. In the course of twenty-seven years the population of Madras has increased by 8,500,000 persons. At the same time the taxation, on the contrary, has been reduced by £732,000. I am speaking now only of the ancient territory of Madras. But while on the whole the result is thus far favourable to the people of India, the complaints which come from particular districts convince me that great inequalities exist somewhere; and since the increase of population is indicative of the increase of prosperity, and also of the increase of land under cultivation, I cannot but think that the territory is not generally excessively, but rather ill, assessed, and that the last Revenue requires revision. Some of the details on this subject are remarkable, there being in some districts a great increase in population, and in others scarcely any; and it is deserving notice, that in one district, where there has been a diminution of population, there has been an increase of taxation. I will read to your Lordships an account of the population and taxation of different districts—

	Population.		Revenue.	
	1823.	1850.	1823.	1850.
Grajam ...	332,015	926,930	144,123	142,113
N. Arcot ...	892,292	1,485,973	234,571	215,021
S. Arcot ...	455,020	1,006,005	221,727	269,645
Tinnivelley	564,957	1,269,216	255,294	247,311
Masulipatam	529,849	520,866	149,528	152,269
Salem ...	1,075,985	1,195,377	229,091	185,453

In the Report I find the following statement made by a Native—

> "I have heard from many that thousands of ryots of the Masulipatam districts have left their houses and lands waste, and went over to the Nizam's territories, in consequence of torture and extortion, &c., for which they have not obtained redress from the collector thereof, as the huzzoor and talook servants were combined together against them."

This is the Native prince whose dominions have been recommended over and over again for immediate annexation, in order that the people of his country might have what is called the benefits of our rule. The facts which I have stated make it necessary that there should be on the part of the Government the most searching inquiry into the whole of the revenue system of the Madras territory, for somewhere or other there is a great evil. I do not believe that the whole sum collected is extravagant. The diminution of revenue, as well as several of the details of Madras government of which we now complain, is to be attributed in a great degree to the ryotwarry settlement, a settlement sanctioned by the authority of Sir Thomas Munro, the very greatest man, take him for all in all, who ever entered the service of the East India Company. I always apprehended, with respect to the ryotwarry settlement, that which has taken place; I always thought that, established as it was by the genius, industry, knowledge, and benevolence of one great man, it would fail when it fell into the hands of men with less knowledge, industry, and benevolence than he had. The only fallacy of which Sir Thomas Munro is to be accused is, that he vainly supposed other men were as great as himself. His industry, knowledge, and benevolence not having been possessed by others, the whole system has fallen to pieces, and its fundamental revision is absolutely necessary for the welfare of the people. Many of us, my Lords, are apt to look upon the Natives of India as low and degraded, and I cannot refrain from affording you the satisfaction of hearing the opinion expressed by Sir Thomas Munro in the House of Commons, with regard to that people forty-three years ago. I was then a young man. I had just entered the House of Commons, and I well recollect the effect produced by the words I am now going to read. Sir Thomas Munro had been asked, probably by one of those persons who are of opinion that trade will effect everything, what would be its effect upon the civilisation of the Hindoos. He said:—

> "With regard to civilisation, I do not exactly understand what is meant by the civilisation of the Hindoos; in the higher branches of science, in the knowledge of the theory and practice of good government, and in an education which, by banishing prejudice and superstition, opens the mind to receive instruction of every kind from every quarter, they are much inferior to Europeans; but if a good system of agriculture, unrivalled manufacturing skill, a capacity to produce whatever can contribute to convenience or luxury, schools established in every village for teaching reading, writing, and arithmetic, the general practice of hospitality and charity among each other, and, above all, a treatment of the female sex full of confidence, respect, and delicacy, are among the signs which denote a civilised people, then the Hindoos are not inferior to the nations of Europe; and if civilisation is to become an article of trade between the two countries, I am convinced that this country will gain by the import cargo."

This was the opinion of Sir Thomas Munro, and I hope that the effect of our legislation during the last half-century has been at least to leave the people of whom he spoke in such terms as good as we found them. There is an observation in a very valuable paper written by a Hindoo, contained in the Report on your Lordships' table, to which I also think it right to direct your notice. That Hindoo, referring to the progress of education among the people of India, cautions the Government that, although when in a state of comparative ignorance they were prepared to submit to almost any suffering that could be inflicted upon them on account of their ignorance, it is altogether inconsistent with the knowledge and enlightenment they now possess that they should continue to bear without resistance; in calm, serious, and respectful terms he informs the Government that, having travelled through all parts of the country, he has witnessed a change in the feelings of the people towards them, and he warns them that only by adopting a different system, and by making our rule really beneficial to the people, can we hope to maintain our anomalous Government, and to fulfil that which is, I trust, our destiny—to remain for ever the lords of India.

LORD MONTEAGLE said, that we had heard much of the double government of India, and undoubtedly if the facts proved before the Commissioners had been kept from the knowledge of the noble Earl during the whole period of his connection with the Government of India, such a convenient suppression of information could have been maintained only by means of an unexampled system of organised duplicity. He denied that the Members of their Lordships' Committee were responsible for not having obtained information upon the subject. They never were permitted to enter into the question of finance—they were deprived of all means of inquiry by the unexampled course pursued by the Government in closing the evidence, and precipitating the course of legislation. He thought that the facts stated by the noble Earl who had just spoken led to conclusions different from those at which the noble Earl had himself arrived. The noble Duke (the Duke of Argyll) had tried to persuade the House that these practices were confined to the Presidency of Madras; but he (Lord Monteagle) took upon himself very respectfully to deny that assertion. If from the year 1806 to the present time such atrocities had taken place at Madras and had been concealed from the knowledge of the Government, it was equally probable that in other parts of India similar mischief was prevalent, and that the Government knew nothing about it. But this was more than an inference, for there was distinct evidence in the Blue-book, that torture prevailed in other parts of India. Mr. Walter Elliot, one of the ablest civil servants of the East India Company, after stating the horrors perpetrated in the Madras Presidency, added—

> "It is not to be supposed that abuse of authority by public officers is confined to Southern India. It is the rule of administration in all Native States, and as these have fallen under British authority the system, though discountenanced, has not been eradicated. I can state, from my own knowledge of the precisely similar revenue and police management in parts of Bombay in which I have served or have visited, that similar practices must and do prevail; and the relation of the atrocities perpetrated by the Tannadari police, and the far more degraded and destitute condition of the peasantry in the permanently settled districts, leave no room to doubt that the same excesses are to be found in an even greater degree in Bengal."

He therefore was not satisfied with the position in which it was proposed to leave this question. He was not satisfied with merely leaving it for the law officers of India to be instructed to prepare Bills on the subject. He wished rather to see them instructed to enforce the law, and so put an end to the practice. [The Duke of ARGYLL said, the law was not sufficient for the purpose.] Then why had they not long since made those laws stronger? But he relied much more strongly upon discussions like these than upon any laws that might be made, or any instructions that might be sent out to the Crown lawyers in India. He believed that the law was abundantly strong against these abuses; it was a more vigorous administration that was required; but debates like the present would reach India, and would be read by those who controlled the administration of justice there, and would compel the attention of persons in high station to the subject, and thus, without any change in the constituted Government, the end which all men of humanity had in view would be effected. He relied upon the opinion of Mr. Elliot to remove the supposition, if it had entered their Lordships' minds, that these abuses were confined to the Presidency of Madras. He regretted that it had been put forward as a matter of apology by the noble Duke for these practices—cruel and abominable as they were, as degrading to human nature, to those who inflicted them, and as cruel to their victims—that we had inherited these barbarous practices from barbarous times. They might as well embrace Mahomedanism upon the same ground, or excuse the worship of Juggernaut and other degrading superstitious customs, justifying ourselves on the ground that we had in like manner inherited these crimes from the original possessors of India. Let the Government possess the territory and the wealth of India, but let them not claim an inheritance of crime, which they would do if they extenuated their own misdeeds by pointing out the greater misdeeds of their predecessors. It was our duty to recommend Christianity to the people of India, but it was not by permitting our taxgatherers to apply instruments of torture to the breast of a woman that we should recommend the Gospel of Christ to the Hindoos. He hoped that the Blue-book on this subject would be circulated, read, and understood throughout the length and breadth of the land. A feeling would then be raised that would prove irresistible. He knew that the measures of improvement recommended by the kind heart and courageous energy of Lord William Bentinck would never have been accomplished but for the aid of the public spirit of the people of England; and the public spirit of England should now be evoked to put down these abominable practices and to punish their perpetrators, or the people of Europe would believe that we continued to sanction these atrocities. If we acquiesced in these enormities we should desert our duty, disgrace our ancestors, cast aside the glorious precedents of the Munros and Mountstuart Elphinstones, and would become responsible for the misdeeds of their degenerate and unworthy successors.

The Earl of HARROWBY said, he did not think this debate should be allowed to close with the last words of his noble Friend who had just sat down. He could not believe that Europe would ever look upon the Government of this country as favourable to this practice, because Europe would remember that on inheriting a vast territory like India, it was an exceedingly difficult matter to extirpate at once all the evils so deeply rooted in the habits of the people. The only point, indeed, where exception could be taken was in this, namely, that the officials of India had not more generally and more frequently expressed their indignation at this practice; but even here some palliation might be found for them in recollecting the effect of a constant familiarity with the habits and modes of thought of the different classes of society. But these discussions in Parliament would reverberate among the English officials in India, and would re-temper their minds if they had become lowered by what passed around them. Abuses like these were not to be extirpated by Act of Parliament or by philanthropic declamation. It was most difficult to get rid of oppression when you had to do with a people who would not complain. In the northern districts and in Scinde, where an independent spirit prevailed, it was possible to protect the people, but in the Madras and Bengal districts, where the spirit of the people was cowed, and where they looked upon acts of oppression as a natural consequence of rule, it was difficult to repress evils of this kind. What was it that prevented the existence of abuses in this country? Because an Englishman resented an evil and brought it to public notice; but the abject submission of a portion of the population was one of the difficulties in the way of good government in India, and they had to deal with a people who would often rather submit to any evil than travel a few miles to obtain redress. The Government had also to act over a vast surface of population, and to operate by means of inferior agents. He hailed, however, these discussions, as being calculated to produce a wholesome effect—they would serve to convince the people of India and Europe that the minds of Englishmen were not callous to these dreadful abuses; and they were a sufficient answer to a certain foreign writer who had attempted to defend the King of Naples by retorting upon us that far worse cruelties were perpetrated by a Protestant Government on the people of India. He hoped the discussion would have the effect of correcting such a gross misstatement, if it had been for a moment entertained. He had always thought the combination of the police and revenue departments a mistake, but it was supported at the time by Sir Thomas Munro, who was most friendly to the Natives. It was impossible to pledge the Government further, but their Lordships knew Lord Harris was now engaged in a close investigation of the practice of torture, with a view to applying the most efficient remedies.

Lord CONGLETON considered that neither the English nor the Indian mind would be satisfied, except by a complete separation between the revenue and the police departments. The book now before their Lordships' House proved not only that a wholesale system of torture existed in India, but showed that the combined revenue and police officers pillaged the people. He did not believe, after the public exposure which had now taken place of what was going on in India, that that system could be continued. The Native mind had grown too large in the last twenty years for such a system to be perpetuated; and he did trust that the result would be the separation of the police and revenue departments.

The Earl of ALBEMARLE, in reply, said, he was glad to see the Government had evinced a disposition to do away with the ryotwarry system, and he rejoiced to find they were becoming converts to the principles he advocated on this question.

Motion, as amended, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 14, 1856.

Minutes.] New Member Sworn.—For New Ross, Charles Tottenham, esq.

Public Bills.—2° Bankers' Compositions; Medical Qualification and Registration; Cambridge University; Exchequer Bills (£21,182,700).

3° Public Works; Public Works (Ireland).

ST. JAMES'S PARK—QUESTION.

Lord RAYNHAM said, he would beg to ask the Chief Commissioner of Public Works, in the absence of the Home Secretary, whether, pending any alterations in St. James's Park, the privilege and great convenience of passing through the park in cabs would be conceded to the public?

Sir BENJAMIN HALL said, he regretted that his right hon. Friend the Secretary of State for the Home Department (Sir G. Grey) was too unwell to attend the House that evening; but he hoped that, if the House should go into Committee of Supply on Friday, the right hon. Baronet would be enable to explain to the House the intention of Her Majesty's Government with reference to the alterations to be made in St. James's Park.

THE UNITED STATES—ENLISTMENT—QUESTION.

Mr. H. BAILLIE: I wish, Sir, to put to the noble Lord at the head of Her Majesty's Government a question of which I have given him notice, and upon his answer will depend the course I shall take this evening with respect to the Motion which I have placed upon the paper. I wish to ask whether the noble Lord can give any assurance to the House that, within a reasonable and definite period, he will lay upon the table the papers relating to recruiting in the United States of America, as, if he is able to give such an assurance, I shall not be willing this evening to interfere with the progress of Supply?

Viscount PALMERSTON: Sir, the documents which must naturally form the groundwork of the reply of Her Majesty's Government to the last communication from the Government of the United States were only received a short time ago, and they contain a great mass of detail. My noble Friend Lord Clarendon, as is well known, is now at Paris, engaged in negotiations of a very important character, which occupy a great portion of his attention every day. My noble Friend's powers of work are, however, very remarkable, and, although absent from this country, he is transacting the business of the Foreign Office with only that delay which is necessarily incident to the distance between Paris and the Foreign Office. The answer to be made to the United States' Government necessarily requires very careful preparation—that, on the one hand, it may contain nothing which can at all envenom the discussion that unfortunately has already gone too far; while, on the other hand, nothing may be omitted essential to the case of the British Government. The absence of my noble Friend, the necessity of communication with him, and the small portion of time he has been enabled to bestow upon a matter which requires a great deal of consideration, have been the causes which have hitherto prevented the completion of the answer of the British Government. That answer is in preparation, and we are in communication with my noble Friend upon the subject. I will not undertake to say that in the course of this week the answer can be so entirely agreed upon as to be communicated to Mr. Dallas. My noble Friend may probably return to this country at the end of this week, and I think I may venture to say that at an early period of next week we shall be in a position to submit to the House the whole of the correspondence.

Sir BULWER LYTTON said, he had given notice of a Motion with reference to the disputes between Her Majesty's Government and the Government of the United States respecting the affairs of Central America. He could not bring forward that question until certain papers for which he had asked, and which he was told would be laid upon the table in a few days, had been produced. He wished to know if the noble Lord could state when those papers would be in the possession of hon. Members?

Viscount PALMERSTON said, he regretted that the papers to which the hon. Baronet referred had not yet been presented to the House. Those papers were in print; they were now in course of revision; and he hoped that in a very few days—certainly in the course of the week—they would be laid upon the table.

Mr. H. BAILLIE said, that after the statement of the noble Lord he considered it his duty to postpone the Motion of which he had given notice.

Sir DE LACY EVANS said, he would propose the Amendments he had placed upon the paper when the hon. Gentleman (Mr. Baillie) brought forward his Motion.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee, Mr. FitzRoy in the chair.

(1.) £4,050, Bermudas; *agreed to.*

(2.) £7,397, North American Provinces.

Mr. W. WILLIAMS said, that Canada was in so prosperous a condition, and so able to maintain its own ecclesiastical establishments, that he thought the proposed Vote ought to be withdrawn. The people of England should not be called upon to pay £1,990 to the bishop of the rich and flourishing city of Quebec, and £300 to the rector of Montreal. He objected also to the payment of £2,762 to the foreign missionaries of the Society for the Propagation of the Gospel. Some years ago the House was informed that the Roman Catholic Bishop of Newfoundland was to receive £100 per annum. He observed that functionary was down in the Vote for £500. Seeing that a large portion of the lands given up by the Crown had been exclusively applied to the payment of the clergy, he thought that no more demands should be made upon the British Parliament; he should therefore move that the Vote be disallowed.

Mr. LABOUCHERE said, that the answer which he had to make to the hon. Gentleman was the same as that which had been given every Session for several years past. The truth was, that the various items in the Vote were the remains of a system which had been abolished. No new payments were now made by Great Britain with regard to the ecclesiastical establishment in Canada; but, inasmuch as there were individual clergymen who had accepted offices in Canada on the faith of this Vote, they could not with justice be deprived of their salaries, which, however, would cease at their death.

Mr. W. WILLIAMS said, that the clergy ought to have been provided for in the Civil List, which was arranged when the Government of Canada was vested in the Colonial Legislature.

Mr. LABOUCHERE said, that it would be adding insult to injury to throw the individuals mentioned in the Vote upon the Colonial Assembly, which had resolved not to vote money for the clergy of any particular denomination.

Sir JOHN PAKINGTON said, the question had been so often discussed and decided that he was surprised it was again revived. It was a question of good faith. The Colonial Legislature was not bound to pay these claims. The honour and good faith of the British Parliament were bound, as much as they could be bound, to defray them. He therefore hoped the Committee would not agree to the Amendment of the hon. Member.

Mr. W. WILLIAMS said, he would remind the hon. Member for North Warwickshire that one of the bishops for which an amount was to be voted was a Roman Catholic.

Mr. SPOONER said, he would state his views on that point when a specific Motion was made, but to a general Amendment of this sort he should not give his support if it was to take away a grant sanctioned by the British Parliament and guaranteed by that House.

Vote *agreed to.*

(3.) £4,713, India Department, Canada.

Mr. W. WILLIAMS said, he wished to call attention to the large sum—£2,255—paid in salaries, and he desired to know who the parties were to whom those salaries were given. He noticed the sum of £78 charged under the head of gunpowder; he also wished for an explanation of the item of £750 for office hire, fuel, stationery, postages, and miscellaneous. He must also complain of the large sum expended in presents to the Indians.

Mr. LABOUCHERE said, that the Vote had been reduced by nearly one-half since last year, and that the nature of the presents to the Indians had been altogether changed. With regard to the salaries, it must be remembered that the duties of the officers of the Indian Department were by no means confined to distributing presents, but that many of the Indian tribes had very considerable landed and funded property, which required to be carefully managed.

Vote *agreed to.*

(4.) Motion made, and Question proposed—

"That a sum, not exceeding £24,728, be granted to Her Majesty, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies, to the 31st day of March, 1857."

Mr. W. WILLIAMS said, he should move to reduce the Vote by the amount of £5,300, being £1,800 for the salary of the Governor of Western Australia, and £3,500 part of the salary of the Governor of Jamaica. That island used formerly to pay its own governor, and the present Vote was quite a recent charge. He saw no reason why the Governor of Jamaica should be paid a salary of £7,000, when the Governor of the State of New York, the population of which was upwards of £3,000,000, received only £800 a year.

Mr. LABOUCHERE said, he conceived that the true policy of this country was to pay the salaries of the Governors of the Colonies, who were imperial officers, much more generously than they did at present. The Governor of Jamaica received £1,500 a year from colonial sources, and £3,500 from the Imperial Government. The question had been carefully considered by Her Majesty's Government, and they had come to the conclusion that until Sir Henry Barcly's Government should expire, it would be highly improper that any change should take place. He need hardly say how difficult a task Sir Henry Barkly had had to perform in introducing financial reform and checking expenditure in the colony. In doing that, of course he had to run counter to the private interests of many individuals, and they thought it would be a most impolitic thing that he should have to depend on the Colonial Legislature for his salary. With regard to Western Australia, it should be remembered that that was now the only colony that received transported convicts from this country. He thought, in such a case, the salary of the Governor ought to be paid by the Imperial Government.

Mr. W. WILLIAMS said, the right hon. Gentleman's explanation was different from that which was made when it was first proposed, that a portion of the salary of the Governor of Jamaica should be paid out of the Imperial Treasury. That was before Sir Henry Barkly was Governor of Jamaica. He should, however, take the sense of the Committee on the Vote. They had in the present year the most extravagant Estimates in every department that had ever been presented in his time.

Mr. LABOUCHERE said, that the Colonial Estimates were reduced last year by nearly £4,000, and they were now less than one-half what they were six years ago. In 1850 they were £212,000, and this year they only amounted to £104,000.

Lord JOHN RUSSELL said, he thought the hon. Member for Lambeth (Mr. W. Williams) hardly recollected what occurred with reference to the salary of the Governor of Jamaica being thrown on the Imperial Treasury. It was at the time of the appointment of Sir Henry Barkly, and the object was not only to grant the salary of the Governor, but it was a general object with regard to the constitution of Jamaica. There had been for many years great embarrassment in carrying on the Government of Jamaica, and at the same time the colony was in a very distressed state. The object then in view had not been fully accomplished, and he considered that it would be unwise to disturb the present arrangement.

Mr. W. WILLIAMS said, the people of this country ought not to be taxed for the benefit of Jamaica, from which colony they did not derive any benefit whatever.

Mr. T. HANKEY said, he hoped the hon. Gentleman would not persevere in his opposition to the Vote.

Sir JOHN PAKINGTON said, he rose to take the opportunity of referring to an omission in the Estimates. If there was one thing which should always be maintained, that was the good faith of that House. He thought that the noble Lord the Member for London (Lord J. Russell) would not contradict him when he stated that the Bishop of New Zealand had accepted that office upon a *bonâ fide* understanding that he should receive a salary of £600 a year as long as he lived, or until he should be otherwise provided for. Two years ago that grant had been struck out from the Estimates, and he was then told that the matter would be referred to the colonists, but they had done nothing in the matter. The good faith of that House and the credit and character of the Church of England, required that the Bishop of New Zealand should not be left without that income, and he wished to know if the attention of the Government had been directed to the subject?

Mr. WIGRAM said, he wished to explain the circumstances under which the salary was granted to Dr. Selwyn. It was in 1854 that the colony declined to pay the salary. At that time the bishop was in this country, and was informed that communications had been made to the colony on the subject. Sanguine expectations were entertained that the colony would provide for him, but unfortunately it had not done so. He, therefore, hoped the right hon. Gentleman the Colonial Secretary would consider the matter; as the only reason why the Vote had been discontinued was the expectation that the colony would provide the amount.

Mr. HADFIELD said, he thought that the question had been decided, and was surprised at the application being renewed. It was something inconceivably monstrous to expect that this overtaxed country should not only pay its own bishops, but be asked to pay for the luxury of a bishop to a colony. He believed that the bishop was an excellent man, that he had done great good in the colony, and if a subscription book were opened for him, he would willingly put down his name.

Mr. MOWBRAY said, the case under consideration was simply this: in 1841 a gentleman distinguished in the Church of England accepted the appointment of Bishop of New Zealand at the moderate income of £600 a year. He discharged his duties to the satisfaction of every denomination of Christians in that colony. A distinct assurance was given that the allowance should be continued until the colony of New Zealand should itself make provision for it. But what was the treatment the Bishop received? On the 30th of June, 1854, he learnt that his salary had ceased on the 31st of March, 1853.

Mr. LABOUCHERE said, he was somewhat reluctant to take any part in the present discussion, because he thought it was not a convenient practice to raise questions of this nature when the Committee was considering the ordinary Votes for the year. Not wishing, however, to appear discourteous to the right hon. Baronet opposite, or disrespectful to the distinguished prelate in question, to whose personal merits and high character he was ready at all times to bear testimony, he might state that if ever they were to decide a question with reference to the merits of the individual, no man could have a stronger claim to their consideration than Dr. Selwyn had, whose exemplary conduct had conferred not only great benefits on the colony, but on the native population. But, with regard to the salary of the Bishop of New Zealand, he was bound to say that the course taken by the Government had not been suddenly taken. He believed that Bishop Selwyn the last time he was in this country was apprised that the Government could not undertake to ask for a continual renewal of a Vote on acount of his salary, and that it would require especial and stringent circumstances for Government to come again to Parliament to demand any such Vote. He must say, though it might be with great regret, that, looking at the whole of the circumstances, such a case of good faith had not been made out as to entitle the Colony of New Zealand to claim a continuance of this grant to the Bishop of that Colony. He therefore did not think that the Government of this country could be justly accused of any breach of faith in the matter of the description referred to. He had no fear that the community in New Zealand would suffer from the course which had been pursued with reference to the stoppage of Bishop Selwyn's salary, and in proof of the justice of his view upon that point he might observe, that he had not long since had an application from the inhabitants of the Colony in question for his sanction to the formation of a new diocess, and as a consequence the nomination of a new Bishop. Upon receiving that application, he had endeavoured to ascertain whether funds had been provided for the payment of the salary of another Bishop, and in answer to the question which he had put upon the subject he had been informed that the funds would be in readiness as soon as the proposed See was established. Under those circumstances, he should, he thought, not be justified in placing a sum of money in the Estimates for the salary of Bishop Selwyn.

Lord JOHN MANNERS said, that he had long had the honour of being acquainted with that most excellent prelate the Bishop of New Zealand, and he had listened with satisfaction to the encomiums which had that evening been passed upon him. While making that statement, however, he was of opinion that the Committee should regard the payment of the salary under discussion, not so much with reference to the merits of the man as upon the ground of abstract and simple justice. Looking at the question, then, in that point of view, he must contend that a clear and distinct promise had been made to Bishop Selwyn that he was to receive a certain salary; nor did he think that the facts which had been adduced by his right hon. Friend near him (Sir J. Pakington), in order to show that such was the case, had been in the slightest degree controverted by the observations which had fallen from the right hon. Gentleman the Secretary for the Colonies. It was not right that that House should, for the sake of a few hundreds a year, deprive any man, however distinguished or humble he might be, of that income which, at the date of his appointment to a particular office, he had been led to suppose he should continue to receive. If the act by which faith was broken with Bishop Selwyn was the deliberate act of the Home Government, then by so much was it the more discreditable to them, and by so much the more ought the House of Commons to endeavour to do a tardy act of justice to one of the most successful of those zealous pioneers of the Gospel in foreign lands.

Lord JOHN RUSSELL said, there were circumstances with regard to the Vote for the clergy of Canada which did not belong to those for New Zealand. With regard to Bishop Selwyn, when the Vote was first granted, he (Lord J. Russell) communicated to him that in the opinion of the Government a Vote of £600 should be taken for him; but at the same time, he mentioned that that was only the opinion of the Government, and he could not answer that such a Vote would be acceded to by the House of Commons. It was agreed to, and it went on until the right hon. Baronet the Member for Droitwich (Sir J. Pakington) was Secretary for the Colonies, and then that right hon. Baronet gave a pledge to the House that the sum should not appear in the Estimates again. Now, assuredly if he wanted to maintain the salary he should not have given that pledge. When he (Lord J. Russell) held the office of Colonial Secretary, he did not propose any salary to the Bishop of New Zealand; and in doing so he thought he was carrying out the arrangement made by the right hon. Baronet the Member for Droitwich. As to Bishop Selwyn not being acquainted with the salary being discontinued until after fifteen months had elapsed, that arose in consequence of a despatch sent out to the Colony not reaching the Governor until after he had left the Colony for this country. When it was discovered that Bishop Selwyn had been taken by surprise, it was proposed that, for one year, the Vote should be placed in the Estimates. That was done; but it was at the same time intimated that it could not be proposed for a longer period. The Vote had been discontinued through a pledge given to the House that it would not be proposed again; and he (Lord J. Russell) must say, that it was a much easier thing to take a Bishop off the Votes than to put him on again.

Sir JOHN PAKINGTON said, the question of the good faith and honour of this country could not be got rid of by a joke of the noble Lord. The noble Lord had referred to a pledge he (Sir J. Pakington) gave when he had the honour of being Colonial Secretary. That was not the first time that he had attempted to do justice to Bishop Selwyn when reference had been made to the part he then took on the subject. He would not say that he did not make use of the words alleged, but the answer he had to make now was, that he intended to apply them with reference to the civil Government of New Zealand. The Committee would remember that for that Colony very considerable Votes for her maintenance were granted. Those Votes underwent a gradual reduction from year to year, and in 1852, when at the head of the Colonial Department, he stated that no further grants would be made for the civil government of that Colony. In making that statement he had no intention whatever of becoming a party to withdrawing the grant made to Bishop Selwyn. He believed that that was a matter of honour and good faith with Bishop Selwyn, and that the House of Commons was bound to provide him with a salary to the extent of £600 a year so long as he lived, or other arrangements respecting him were made. He still hoped that the Government would take this matter into consideration, and not allow this scandal to remain any longer.

Motion made, and Question put—

"That a sum, not exceeding £19,428, be granted to Her Majesty, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies to the 31st day of March, 1857."

The Committee *divided*: — Ayes 3, Noes 269: Majority 266.

Original Question put, and *agreed to.*

(5.) £24,300, Stipendiary Justices, West Indies and Mauritius.

Mr. W. WILLIAMS said, that he believed this Vote to be about as objectionable a one as there could possibly be. Still, if he divided the Committee, he supposed that he should not conciliate any more support than he had just obtained. We received no advantage from our connection with these colonies, and he objected to the people of this country being taxed for the payment of stipendiary magistrates in them. The justices of the peace, for whose salaries it was intended to provide, had been appointed nineteen or twenty years ago, when slavery in our West Indian Colonies was converted into a system of apprenticeship, and when it was necessary that the apprentices, or partially liberated slaves, should be protected against oppression upon the part of their masters. That necessity, however, now ceased to exist, and he saw no good ground, therefore, why those justices of the peace should be continued. There were seventeen of them in the island of Jamaica alone, and the aggregate amount of the salaries of those seventeen was not less than £7,650 per annum.

Mr. LABOUCHERE said, he must explain that, at the time of the emancipation of the slaves in the British Colonies, it became indispensable to appoint stipendiary magistrates to carry out the system of apprenticeship, but that no appointments had since taken place, Government allowing the vacancies occasioned by death to remain unfilled. He hoped that explanation would satisfy his hon. Friend.

Mr. W. WILLIAMS said, he would not, after the explanation, divide the Committee. He was often taunted for not dividing upon the subject of these Votes; but the last division showed that the House of Commons was indifferent how the public money was spent.

Vote *agreed to;* as were also the three following Votes—

(6.) £10,230, Civil Establishments, West Coast of Africa.

(7.) £10,856, St. Helena.

(8.) £960, Heligoland.

(9.) £2,901, Falkland Islands.

Mr. WARNER said, he wished to inquire what use those islands were to the mother country; and whether it was intended to send convicts to them?

Mr. LABOUCHERE said, that they were very useful to this country, being places of great and increasing resort for whalers and other traders in those seas. The Government would not determine upon sending convicts there without very mature consideration.

Vote *agreed to.*

(10.) £14,582, Emigration.

Mr. SPOONER said, he thought that the experience we had learned during the prosecution of the late war ought to convince us that it was not sound policy on the part of this country to stimulate emigration. The people who emigrate from our shores were, for the most part, men of energy and activity—the very men whom it was most desirable that we should, if possible, keep at home; and we should be acting much more wisely in spending money in making them comfortable in their native country, rather than in spending it in removing them to distant lands. A much sounder policy, he considered, would be to find employment for our people at home, and he trusted the Colonial Secretary would do all he could to diminish emigration.

Mr. LABOUCHERE said, it had never been the policy of this country to stimulate emigration, but to direct and control it. The amount of emigration depended upon the circumstances of our home population; but even in the most prosperous years there was a considerable number of persons desirous of going to the colonies, and it was the duty of the Government to watch over them on their passage across the sea, and to protect them against those dangers which too frequently attended voluntary emigration. Moreover, it was the business of the Commissioners to look after the emigration of coolies to the Mauritius and to the West Indian islands; and, on the whole, he could not recommend any great or immediate reduction of the establishment.

Mr. HUTCHINS said, he wished to know whether this sum of £14,582 was to be a permanent charge on the revenue of the country? When the Emigration Board was established it did a great deal of good; but circumstances had materially altered, and, at a time when labour was scarce, it was wrong that the emigration agents should be allowed to send our best labourers out of the country.

Mr. LABOUCHERE said, that the amount of the Vote must, of course, vary with the amount of business which the

Emigration Commissioners might have to discharge. He anticipated that there would in the course of time be a great reduction in the quantity of labour they would have to perform, and their remuneration should then be proportionately diminished. But they had still very considerable and important duties to fulfil, as might easily be inferred from the fact that 176,000 persons had emigrated from this country during the last year.

CAPTAIN SCOBELL said, he wished to ask the right hon. Gentleman whether he had considered the propriety of establishing an emigration port along the line of coast between Plymouth and Liverpool? The inhabitants of Bristol had twice brought under the notice of the authorities at the Colonial Office the manifest expediency of selecting that city for such a port.

MR. LABOUCHERE said, that subject had not been brought under his notice. If it should come before him, he should of course give to it his best consideration.

MR. ADDERLEY said, that so many dreadful accidents had occurred with respect to passenger ships that no one, he believed, would object to any expense which might be necessary to carry the provisions of the Passengers' Act into effect. As it was no longer found advisable to stimulate emigration to the Australian Colonies, he thought that some reduction might well be made in the expenditure incurred for the Emigration Board in the metropolis. He understood that a large portion of the staff of that Board was occupied chiefly in managing the funds sent over to this country by the Colonial Legislatures for the purpose of procuring English emigrants; and it seemed to him that the cost of managing those funds ought to be defrayed by the colonists themselves.

MR. LABOUCHERE said, it would no doubt be the duty of the Government to diminish the cost of the Board in proportion as they might find its legitimate business decreased. But, at the same time, he thought there was some advantage in maintaining a uniform system of emigration control by means of public officers; and he did not consider that it would be good policy to diminish precipitately the staff of the Emigration Commissioners. There was an important duty discharged by those gentlemen in addition to those he had already mentioned. They afforded most important assistance to the Colonial Office in revising the drafts of Colonial Bills.

MR. SPOONER said, that he objected not to the protection of emigrants, but to the encouragement of emigration.

SIR STAFFORD NORTHCOTE said, he thought that means ought to be found to enable the Colonial Office to discharge its own special business, and that the number of the Emigration Commissioners ought to be reduced.

MR. WARNER said, that there was a strong and growing feeling in this country against our sending from our shores the very flower of our population. He thought the Colonies ought to defray an expenditure which was incurred solely in the promotion of their interests.

MR. W. WILLIAMS said, it was his opinion that the Vote might be reduced by one-half. He objected to the vague terms used in the Estimate. Mention was made of an agent and assistants. How many assistants were there? There were ten agencies at different ports in Ireland. It was necessary to incur proper expenditure for the inspection of emigrant vessels; but he was confident that much of this expenditure was unnecessary.

SIR JOHN PAKINGTON said, he could not help thinking that the Vote would bear diminution. Emigration from this country, although still considerable in amount, had greatly diminished within the last few years; and, besides, a change had within the same period taken place in the nature of our relations with the Australian Colonies. Formerly the Colonial Land Fund had been divided into two portions, one of which was devoted to the encouragement of emigration from this country; but the whole of that fund was at present at the disposal of the colonists, and that portion of the emigration to which one-half of it was at one time applied was no longer conducted as before. He would readily bear testimony to the admirable manner in which the present Emigration Commissioners performed their duties, and to the valuable assistance which they afforded to the Colonial Office, as stated by the right hon. Gentleman (Mr. Labouchere), in revising the drafts of Colonial Bills; but he was, nevertheless, of opinion that the Vote should for the future be reduced.

MR. LABOUCHERE said, he thought they had reason to anticipate for the future a diminution of the business of the Commissioners, and the Government would, of course, feel bound at the same time to diminish, as far as possible, the expenditure incurred under that head.

CAPTAIN BELLEW said, he hoped that, whatever reduction might be made in the expense of the central Board of the metropolis, no diminution would be effected in the number of emigrant officers employed in the smaller ports for the protection of emigrants. The services of these officers were exceedingly valuable, and very much needed.

MR. HADFIELD said, he thought we ought to provide, as far as possible, for the comfortable removable of emigrants to the distant lands in which they were to settle, and not allow them to quit our shores with a feeling of discontent and ill-will, which might hereafter materially militate against our own interests.

MR. MONTAGU CHAMBERS said, that when peace was fully restored emigration would probably revive, especially among discharged soldiers and the militia. Then, instead of there being a deficiency of labour, many hands might be thrown out of employ; and it was then most desirable to encourage the emigration of deserving persons.

Vote *agreed to;* as was also

(11.) £12,000, Captured Negroes.

(12.) £11,050, Mixed Commissions.

MR. BIGGS said, he could conceive no greater inconsistency than that involved in the conduct of this country in making such strenuous efforts for the suppression of the slave trade along the coast of Africa, and tolerating the brutal and debasing traffic in slaves at Constantinople. We had now a recognised right to interfere in the Government of Turkey, and it was our duty to exercise that right for the destruction of an iniquity which had become an abomination in the eyes of God and man. What was now most wanted in the East of Europe was the establishment of a Christian State on the ruins of the vile and degrading empire of the Turks. At present there were 50,000 slaves in Turkey, most of them Christians. They were brought from Tunis, Kurdistan, and other places, and sold in the market of Constantinople. He would not object to the Vote, but he thought it a piece of national hypocrisy to pass this Vote, and to ignore the existence of slavery in Turkey, now admitted as a sort of junior partner in the European firm. There was a slavery now going on in Europe which put to shame the worst features of West Indian slavery when it existed. Lord Stratford de Redcliffe said that this slavery was calculated to excite the indignation of all Europe against Turkey. He considered that this country was morally responsible at the present moment for the existence of this vice. Brigadier General Williams, speaking of the social state of Turkey at the latest moment, stated that the buying and selling of slaves was notorious amongst the officers of the Kars army, and that any attempt at its abolition by firmans was a mere mockery. From a careful perusal of the reports of all travellers he denied that the boasted civilisation of the Turks was more than skin deep, whatever might be said by lying French journals. Let the Greeks and the Christians be encouraged in that country, and they would soon plant another London on the Bosphorus. At present it was blasted by a people who were scarcely fit to exist, either in Europe or elsewhere. Mr. Layard had attributed all the misery of the Turks to their false faith.

THE CHAIRMAN said, he must call the attention of the hon. Member to the fact that the Vote before the Committee was for the salaries and contingent expenses of the Mixed Commissions for the suppression of the slave trade.

MR. BIGGS said, that he believed he should have introduced the subject in another form, and regretted that he was not better acquainted with the rules of the House. He would, therefore, only say, in conclusion, that to be spending £20,000 for the release of nigger slaves on the coast of Africa, whilst they allowed this slave trade to be carried on at Constantinople, appeared to him to be one of the grossest cases of political hypocrisy.

Vote *agreed to.*

(3.) £167,498, Consular Establishments Abroad.

MR. WISE said, that he did not rise to object to the Vote, but for the purpose of calling the attention of the Committee to the present state of our consular establishment. It was almost impossible to overestimate or overrate the importance of an establishment so connected with the protection of trade and with the opening of new channels of industry. The duties of Ambassadors would, he hoped, comparatively cease with the prospect of peace, and those of Consuls gradually increase. This was, therefore, the time to seek amelioration and improvements; to urge the appointment of proper persons who could effectually protect our commerce, look after the interests of our shipping, and discharge with propriety the delicate functions and varied duties of a Consul. The right man was especially required in these appointments; knowledge and capacity must be considered before connection and interest, and the great interests of a great country must not be sacrificed to the little interests of little men. The Committee was aware that the noble Lord at the head of the Government had made several changes and considerable improvements in the service in 1831, and the subject had since been frequently discussed in Committees. In the year 1850 a Committee was appointed to inquire into our diplomatic and consular establishments. That tribunal investigated the first branch of their subject, and recommended that the Committee should be revived in the following Session to enter into the second — namely, our consular establishments. That Committee, however, had never been appointed, and no such inquiry had yet taken place; and he should endeavour to show why the consular system should be investigated, and an extensive revision should be made. To the British Consul were entrusted throughout the world the interests of merchants and travellers; he had to protect vessels, to look after shipwrecks, to settle disputes between captains and seamen, to look after the effects of deceased Englishmen, to report upon the erection of lighthouses, the laying down of buoys, to watch all armed enterprises. In many cases he had to administer Acts of Parliament, and one of the most important functions of the Consul was to acquaint his Government with the state of trade, arts, industry, and agriculture, and with the exports and imports of the country in which he resided. Our Consuls in the Levant filled positions of a peculiar and special character, requiring on the part of those selected for them the capacity to discharge not merely consular but notarial, judicial, administrative, and even at times diplomatic duties. Extensive powers were conferred on these officers by Acts of Parliament, including a civil and criminal jurisdiction, and authority to punish by imprisonment and banishment. These Consuls ought, therefore, to be men of high principle and independent character; and, if we wished to increase our influence in the Levant by their agency, it was full time a Commission was appointed to examine carefully into that part of our consular system. It was clear that merchants actually trading ought not to hold consular offices; and that all consular fees affecting the travelling and shipping interests should be as far as possible abolished, additional salaries being awarded, where necessary, in lieu of such fluctuating emoluments. National duties should be discharged at the national expense. The man who sustained the double character of a Consul and a merchant occupied a very anomalous situation, having constantly to balance between his private interests and his obligations as a representative of the Government. He did not mean in any way to cast reflections or bring charges against our consular body in the Levant—many of its members were most honourable and efficient, and he did not think they were adequately paid or properly promoted; but, undoubtedly, there were members of the class who were wholly unfit to represent the interests of a great country like England. Among those who had most effectually served the Government in the late war were Mr. J. Brant and Mr. Calvert, to whom an especial tribute of praise was due. In support, however, of his own opinion as to the character of many of our Consuls, he hoped he would be allowed to quote a very eminent authority—the correspondent of *The Times*, who, on the 6th of February, 1855, wrote thus—

> "The French Consuls throughout the continent of Europe are, with few exceptions, men who have already distinguished themselves in some branch of the public service, and, being in general accustomed to business, know both how and when to do what is required of them. They are almost all Frenchmen, and many of them are members of the Legion of Honour, and thus, both from their birth and antecedents, are devoted to the interests of their country. They avail themselves of the facility which their national habits afford of mixing with the society of the place where they reside, and thus have the means both of information and action at command whenever the public service may demand them. Such may be said to be the almost universal characteristics of the French Consuls. The English Consuls, on the contrary, are of several classes, and, although some are in all respects similar to the French, there are others who, being Englishmen, have received their appointments through interest, who assume an air of superiority and exclusiveness, and who do not consider it necessary to be conversant with business, but leave everything to be done by Vice-consuls or other deputies."

The next authority which he wished to adduce to the Committee was that of Lord Carlisle, who, in his *Diary in the Greek Waters*, stated that, as compared with foreign nations, he regretted that England, in regard to its consular proceedings, did not hold the high place she once held, and which we must all desire to see her do again. The noble author went on to observe that great responsibility attached to those who had the selection of persons for consular appointments, and expressed a hope that the time had gone by when failure and insolvency in trade would be regarded as proper qualifications for those offices. Dr. Sandwith, the author of the *Siege of Kars*, thus spoke of consuls in the Levant—

> "While we are anxious to reform the Turks—and assuredly no people ever needed it more—our first efforts should be directed to setting them a good example in their own country, and to do this we must reform our consular system.

He (Mr. Wise) trusted that those opinions would induce the Government to take into their serious consideration the present condition of the consular service. The Vote proposed in the present Estimates for the maintenance of our consular system was £167,498; but there was a further Vote of £18,957 for superannuation allowances and compensations, which made the total amount £186,455. He did not so much object to that amount, but to the way in which it was distributed. The whole number of persons employed in the consular department was 533. There were twenty-seven Consuls-general, 119 Consuls, 228 English Vice-consuls, and 159 foreign Vice-consuls. Of these, twenty-four had salaries from £1,000 to £1,800 a year, sixty-nine from £1,000 to £500 a year; the others had salaries between £500 and £200 a year. There had been a considerable increase in the establishment since 1848 of which he did not complain, as the increase was owing to increase of trade with China and other places. The increase consisted of forty-four new Consuls and thirteen interpreters, and the cost was £19,300. Notwithstanding this he certainly thought that some of the Consuls might be altogether dispensed with, and that new Consuls should be appointed from time to time as their services might be required at other places. While this country maintained a very large diplomatic establishment at Constantinople and in the Levant, costing about £40,000 a year, the consular establishment at Constantinople cost £2,500, and he thought the consular expenditure in that quarter of the world might be revised with great advantage. Our embassy at Madrid cost £6,000 a year, and we maintained in that city, where there was no commerce, a consul, whose duties he could not imagine, at a salary of £200 a year. Our embassy at Naples was maintained at a cost of £6,600 a year, while we have there a Consul with a salary of £500 a year. At Lisbon, also, we had a Consul and a Vice-consul, the former with a salary of £600, and the latter of £300. The Consul, he believed, slept by day and played at whist by night, and if those were his duties no doubt he enjoyed himself. He had no complaint to make with regard to the superannuations, except that he thought the scale of allowances was excessively low, and that many of the consuls received very inadequate amounts. There was, for instance, one gentleman who had served this country as Consul in Chili for a period of eighteen years, who was sixty-one years of age, and who received a superannuation allowance of £400 a year—a pension which he (Mr. Wise) thought was very insufficient after so long a period of service. He must say, however, that he regarded many of the compensation allowances, which amounted to £9,400, as totally unnecessary. He found that Mr. Crow, who had been Consul at Tripoli, received a compensation allowance of £850 a year, and he (Mr. Wise) did not complain of the amount, but of the reason assigned for granting the compensation—namely, "abolition of office;" for in the very year when the office was nominally abolished another gentleman was appointed Consul-general, whose salary was now £800 a year; and there was, in addition, a Vice-consul with a salary of £300 a year. In 1852 the office of Consul-general at Venice was abolished, and the gentleman who had held the office with a salary of £1,200 a year, and who was only forty-three years of age, received a compensation allowance of £600 a year, but in December 1852, another Consul was appointed with a salary of £700 a year. But the worst case was that at Buenos Ayres, where a gentleman only thirty-eight years of age had been compensated with a pension of £1,000 a year on the abolition of his office; but, notwithstanding that abolition and compensation, a new consular establishment had been created, comprising a Consul-general, with a salary of £1,600 a year, allowances £997, and a Vice-consul at £500 a year. He wished to know how it was that when an office was abolished and compensation given, another Consul was immediately appointed, with a considerable salary? He found that a gentleman who had been Consul-general at Odessa for thirty-six years, and who was sixty-three years of age, received a pension of £500 a year, and he thought that was the only case to be found in the list of compensation allowances in which the pension was justifiable. The regulations with regard to compensation allowances pressed with great hardship upon Consuls. There was no deduction whatever made for superannuations from the salaries of ambassadors, who possessed large incomes, but five per cent was deducted from the salaries of Consuls. If, therefore, a Consul served his country for twenty-five years at a salary of £500 a year, £625 was taken from him in the shape of deductions, and he then received an annual allowance of £250. He thought that, if they gave these paltry allowances to men who were exiled from their country for twenty-five years, they could not expect to get properly qualified persons to serve the country in such positions. Great complaints were made of the manner in which the patronage connected with consular appointments were made. In a work which had been published by an *attaché* to an embassy, the writer stated that he could recall several cases of Consuls in the Levant who had been bankrupt traders; that without attaching any ungenerous imputation to men who might at some time have been in such a position, he thought that persons who had not been able to conduct their own business satisfactorily ought not to be entrusted with the management of public affairs; and that the persons who ought to receive consular appointments were plain sensible men, who had been brought up to business, and not individuals who had failed in all their other occupations. He (Mr. Wise) must confess that, with regard to the question of patronage, he had great faith in the regulations recently issued by Lord Clarendon respecting consular appointments. He should be anxious to discover whether the new Consuls at Warsaw, Odessa, and St. Petersburg would be required to be able to speak German, Italian, or French fluently, to possess a competent knowledge of international and commercial law; and, in short, to come up to the requirements of the examination paper recently published. A better mode could not be adopted to secure the proper disposal of the patronage of the Foreign Office; but meanwhile he could not help saying that, if hon. Members were anxious to ascertain who they were that got the nice appointments of £1,800, £1,600, and £1,200 a year, and who were put in the inferior places of £500, £300, and £200, they had nothing to do but to look at the list of Consuls, and the required information would speedily develope itself. He would also suggest to the Government the expediency of adopting one feature of the French system, and attaching to all the large consulates a number of Consul pupils, thus securing a succession of young men conversant with duties that ought to be discharged by the Consuls. The Government had already carried out that principle to a certain extent by sending out young men as *attachés* to the Consuls in China; and he was satisfied that great good would result from having a number of pupil-Consuls connected with the consulates at Bordeaux, Marseilles, Hamburg, Leghorn, New York, Odessa, and Smyrna, who would in a few years be found qualified for Vice-consulships, and might in time be promoted to consulships. He hoped, however, that they would not be treated in the same way as those who had been induced to enter the diplomatic service—young men who had been tempted to quit high positions at the Universities and to learn foreign languages, and then compelled to pass a number of years at Constantinople, for example, when they ought to have been promoted. In the French system merit was rewarded. Out of the 115 French Consuls no fewer than ninety-four wore the decoration of the Legion of Honour — a proof of the estimation in which they were held in their own country. There were three remaining points upon which he wished for information. From what he had himself seen and heard in the Mediterranean and south of Europe generally, he believed that the system of fees was universally condemned as extremely injudicious and undignified. What could be more absurd than for the paltry sum of £31,739, which was the amount of the fees last year, to make our commercial representatives taxgatherers instead of what they ought to be—the protectors of our rights and interests? The great bulk of the fees were collected at a few ports, among which Constantinople, San Francisco, New York, and Alexandria were the most conspicuous; the fees at Constantinople being last year £2,680; at Callao, £1,514; at San Francisco, £1,200. At Boston, New York, Alexandria, Smyrna, Leghorn, Hamburg, the fees varied from £1,000 to £400 a year. At Paris they were £506, at Boulogne, £536, and at Marseilles, £435. It appeared singular that where the salaries were large, the amount of business appeared remarkably small and *vice versâ.* At Leipsic the salary was £750, and the fees £18. At Stockholm, the salary £500 and the fees £9. At Bogota the salary was £2,000 and the fees £8. At Boston, on the other hand, the salary was £200 and the fees £1,600. At New York the salary was £500 and the fees £870. At the Dardanelles the salary was £300 and the fees £450. It had been stated that fees represented the amount of business done, and that the greater the sum taken for notarial fees, the more necessary was the Consul. He was therefore desirous to ascertain what were the duties of Consuls in places where no fees were levied. Upon the subject of fees he ventured to quote the opinion of an *attaché* to one of our embassies, who thought that these fees ought to be abolished. That nine times out of ten the Consul himself did not deign to touch his fees, but handed them over to somebody who very often touched too much; that they afforded a premium to delays and vexation in civil suits brought before Consuls, and they often occasioned serious altercation with sea captains, who were disposed to pay less and to charge their employers more than they should, and that by permitting fees, we were lending our authority to the system of passport exaction, which we have not scrupled to condemn elsewhere. He (Mr. Wise) thought that no inconvenience, but the reverse, could arise from the abolition of fees, which might, he apprehended, be done by an Order in Council. He also objected to the employment of foreigners, of whom there were at present no fewer than 159 acting as Vice-consuls. At Hamburg there was one with £300 a year; at Bremen another with £150, and at Scutari a third, with £130. They might be good, worthy men, able, and, he hoped, honest, but still they could not have the interest of this country at heart as much as Englishmen; and, if pupil-Consuls were attached to our larger consulates, and from time to time promoted to the Vice-consulships, there would be no necessity to employ foreigners, and a great improvement would be made upon the present system. It was likewise of the highest importance—and that was the last point upon which he would touch—that our Consuls should not be in business. If a consul-merchant failed, discredit was brought upon England, and his official position was compromised. One instance was known in which information was given to a French Consul because he did not trade, and withheld from the English Consul in the same place because he was engaged in business. The reason was, that it was supposed he desired intelligence for the advancement of his own private interests. Part of the duty of a Consul was to witness documents. If a merchant in the same city wanted to raise money on his ships or goods, would he not think it hard to be obliged to expose his private affairs to the Consul, a merchant engaged in the same trade? During the present war the letter-bags had been sent to the Consuls, who had thus the power of keeping back the correspondence of their rivals in business, and of acquiring early and exclusive information, such as might enable them to buy or sell to advantage. Consul-merchants, in short, had every temptation to advance their own private interests at the expense of their brother traders and of their consular duty. He had received a large number of letters from all parts of the Continent upon the subject; but he would not trouble the Committee with more than one case. A vessel, the *Mermaid*, arrived at Pernambuco with a cargo of golddust and bullion to the value of upwards of £400,000. The captain wanted fresh vegetables and meat, nothing more. But the Consul sent a surveyor on board, and the ship was declared unseaworthy. Captain Davie denied it, and the passengers, who were anxious to get home, supported him. The Consul told the captain to put to sea at his peril, threatening that, if he did so, he would have his name struck off the list of officers qualified to serve in the marine. But as the effect of staying at Pernambuco would have been that the owners would have been compelled to pay to the Consul a per centage upon the entire value of the cargo, which percentage would have amounted to the sum of £10,000, Captain Davie continued his voyage. The Consul sent a statement of the case to the Board of Trade, and when the *Mermaid* arrived at Liverpool a thorough investigation took place into all the circumstances of the case, the result of which was that Captain Davie was told by the Government officers he did quite right in leaving Pernambuco; the conduct of the Consul being thus virtually condemned. The continuance of such a system as that must be highly detrimental to the public interest. He would not trouble the Committee any further, but he trusted that Her Majesty's Government would give their attention to the points to which he had referred; first, that traders should not be appointed; secondly, that the system of fees should be abolished; and thirdly, that the patronage of the Crown should be exercised in such a way as to secure the appointment of persons who would comprehend the interests of trade, commerce, and shipping, and discharge the consular functions with credit and honour to themselves and with benefit to the British Nation.

Mr. KINNAIRD said, he thought that the facts which had been brought forward by his hon. Friend the Member for Stafford (Mr. Wise) required the attention of the Government. It was notorious, when the war broke out, how meagre was the information which we possessed with respect to the resources of the Russian empire; but he believed that if we had had as Consuls on the coast of the Black Sea men who had been trained in habits of diplomacy, we should have obtained from them most valuable information. He had heard that it was the intention of the Government to appoint a Commission to consider the whole matter, and he hoped that the rumour was correct.

Mr. LINDSAY said, it was not his intention to oppose the Vote, he merely rose to express his thanks to the hon. Member for Stafford for his very clear and able speech, which he thought had made a complete case for a Committee or Commission. A movement was now taking place in the foreign trade of this country similar to that which took place in the inland trade some twenty-five years ago. The lines of ocean steamers were producing a development in the foreign trade equal to that produced by railways in the home trade. It was therefore of the utmost importance that the country should have an efficient system of representation abroad. It was the duty of the Consuls to make Reports on the trade and resources of the countries in which they were stationed, and if that duty was efficiently performed the Reports would be most valuable to commercial men, and far more interesting than the greater number of the Blue-books. Upon the whole, though some Consuls might be too highly remunerated, he thought the consular body ill-paid. It was of great importance to have the best men, and he hoped a Committee or a Commission would be appointed to inquire into the subject.

Viscount PALMERSTON said, he quite agreed with his hon. Friend the Member for Stafford as to the important and multifarious nature of the duties which Consuls had to perform. His hon. Friend had in a very detailed manner explained the different points to which their attention was directed, and the hon. Gentleman who had spoken last had adverted more particularly to that portion of their duties which consisted in making periodical reports of the resources, statistics, trade, and other matters connected with the countries where they were stationed. It having been his (Lord Palmerston's) duty for many years to see those Reports, he had the satisfaction of thinking that they were generally very ably drawn up, and that they contained a great deal of important and useful information. These Reports were invariably sent to the Board of Trade. They were not laid before the House, because they were rather voluminous; but they were accessible to anybody who wished for information on the matters in question, and they showed that the consuls did inform themselves of matters connected with the trade and resources of the country where they were stationed. His hon. Friend (Mr. Wise) objected to the system of fees, but he was of opinion that his hon. Friend entirely mistook the nature of those fees. Originally, Consuls were paid by fees on shipping, but in 1826 or 1827, a measure was passed, placing those fees on a different footing, and giving salaries instead. The fees were now only levied for the purpose of enabling the Consuls to pay the expenses of their office clerks, &c. It was but in comparatively few cases that any fees went to the Consuls merely as emoluments to them. His hon. Friend also seemed to think that improper selections had been made in the appointment of Consuls. He (Lord Palmerston) could only assure the Committee that it had been his anxious endeavour to appoint fitting persons. The duties of Consuls, though very important, and involving a great number of details, did not require any particular previous education or avocation. A man of good sense was able, with very little application, to discharge the various functions which a Consul had to perform. What had passed that evening afforded a just illustration of the change of opinion which took place from time to time in that House. For many years he had been urged to appoint commercial men as Consuls: but in order to do that, it was necessary either to appoint an unsuccessful commercial man, or a commercial man who, having an establishment of his own to maintain, would, for a moderate sum, perform also the duties of a Consul. For his own part he was rather inclined to agree with the opinion that, although no doubt on economical grounds the appointment of merchant Consuls was advantageous, still that on the whole it would be desirable not to appoint merchants to that office. It was plain that when there were national political functions to be exercised a merchant was not a fit representative of the Government, because he was from his private circumstances more or less liable to be visited with the displeasure of the Government in the territory of which he was residing, and was not, therefore, so free an agent as a person would be who was not engaged in mercantile pursuits. Then, again, there was the objection that persons engaged in the same career might entertain the suspicion that the Consul made use of his official knowledge and influence for his own benefit, and he therefore thought that, as a general rule, it was not expedient to employ the services of merchant Consuls. At the same time the Committee must bear in mind that, if the principle were established that the services of merchant Consuls should not be employed, they must be prepared to give increased salaries. He felt bound to say, in justice to the merchant Consuls, that during the time that he was at the Foreign Office he never had any reason to believe that any merchant Consul had abused the influence and authority which his position gave him, or had evinced less zeal in maintaining the rights of his countrymen than those Consuls not engaged in commerce. With regard to Vice-consuls the hon. Gentleman had observed that there were a great number of foreigners occupying that position, and he appeared to consider it undesirable that such should be the case. Now the rule had been that in any port where there was a British subject who, in the opinion of the Consul, was adapted for the position, the office, the salary of which varied from £100 to £150 a year, should be conferred upon him; but in cases were there was no such British subject it became the duty of the Government to consider whether it would be desirable to find a British subject who would leave England and go to live abroad on so small a salary, or to employ the services of some respectable foreigner resident in that port. Now, the Committee would see that a salary of from £100 to £150 was not a sufficient inducement to command the services of men whom it was desirable to make Vice-consuls. Then, again, in some ports, as for instance in many of those in the Levant, the Vice-consuls received no salary at all, and the only inducements to them to perform the duty were the privileges and immunities and a certain amount of dignity which was attached to the position; but could the Committee expect any respectable man to leave this country and live abroad upon those terms? It had been stated that the Consuls were not properly distributed, and the Consul at Madrid had been brought forward by the hon. Member for Stafford as an instance. Now the Consul at Madrid was, in point of fact, only a consular clerk, with a salary of £200 a year, and he only received the title of Consul in order to qualify him for the exercise of certain functions which the Act of Parliament required should be performed by a Consul. Then, again, as regarded Naples and Lisbon, those were places where there was a great amount of British commerce carried on, and under those circumstances it was especially desirable that there should be Consuls resident at those places. It had been stated that it would be desirable to revise the whole of our consular establishment, and his noble Friend (Lord Clarendon) had laid the foundation for such a revision, for he had established a system of examination for appointments to the consular office, a system which would, he believed, should it come fairly into operation, beyond dispute secure for the public the appointment of persons fully competent to discharge the duties of the office. His noble Friend had also sent a circular to the various Consuls, and more especially to those in the Levant requiring them to answer a certain number of questions bearing upon the subject, with the view, when the answers were received and thereby sufficient information collected —information which would be essential to assist the labours of a Committee—of authorising him (Lord Palmerston) during the next Session of Parliament to agree to the appointment of a Committee to inquire into the whole subject. He thought that it would be desirable to wait for the arrival of that information rather than to appoint a Committee immediately, and he had no doubt that the necessary information would be collected before Parliament met next year. With regard to the observation that the Consuls ought to have furnished the country with information as to the resources of Russia, he could only say that there were British Consuls at Taganrog and Odessa, and they had given the Government very valuable information. British Consuls could not be spies, and, as the Russian Government before the war did not allow any Consuls in the Crimea, and as Consuls could only report upon what came before them in an open and legitimate manner, the Government did not derive from their Consuls much information as to the resources of Russia in the Crimea. As to the subject of retiring pensions to Consuls, he could only say that yielding to the desire of the House he had some time ago diminished the number of Consuls-general, but as those gentlemen could not be deprived of their office without compensation, a retiring pension had been allowed them, and, although at first the cost to the public would not be diminished, still it was a step towards economy and retrenchment.

Mr. W. WILLIAMS said, he was glad to hear that it was intended to appoint a Committee. The salaries of those officers were certainly small in some cases, but he thought that in general they were quite large enough for the duties. He could not make out in some instances what those duties were. There was a Consul at Paris with a salary of £100 and £506 fees. What could he be wanted for, when there were an Ambassador, a Secretary, and two paid *attachés?* The number and salaries of these officers in the East was something prodigious. He found that in Turkey there were forty-two Consuls, who received amongst them in salaries the sum of £15,635, and in fees, £5,735, making together, £21,370; and these Consuls were in addition to those employed in Egypt and at Tripoli, and Tunis, who received about £13,000. In the United States there were only thirteen Consuls, receiving £5,000 a year, and to that country the great mass of their exports were sent. At Constantinople he found they had a Consul-general at £1,500 a year, a Vice-consul at £400, and another Vice-consul at £300, besides having another Consul at Scutari. He had also to complain that in Spain there were two new appointments of Consuls at salaries of £400 a year, there was likewise a Consul at Warsaw at a salary of £1,000 a year.

Mr. WILSON: That is not a new appointment, it was only supended during the war.

Mr. W. WILLIAMS: He, however,

thought the salary too high, nor could he see the object of having Consuls at inland towns like Cologne and Leipsic. As it was intended to appoint a Committee he would not detain hon. Members with the observations he had intended to make.

Mr. BELLEW said, he wished to ask the noble Lord whether the Government was aware that an expedition was either despatched, or about to be despatched, by the French Government to the island of Madagascar; and, if so, whether the noble Lord knew under what circumstances that expedition was about to be sent forth?

Viscount PALMERSTON said, he knew that there were some rumours that it was the intention of the French Government to send an expedition to Madagascar; but there was no intention either on the part of England, or, he believed, on the part of the French Government, to interfere in any way with the internal affairs of the Queen and people of Madagascar.

Mr. WISE said, he begged to thank the noble Lord for the statement which he had made respecting our consular establishments, which he was sure would be extremely satisfactory to the shipping and commercial interests of the country.

Vote *agreed to.*

£25,000 Embassies and Missions abroad.

Mr. BOWYER said, there was one column in this Vote to which he wished to call the attention of the Committee. It was that which related to interpreters, *attachés*, and clerks. He did not know whether the whole amount of the salaries was included in the sums stated in that column. He rather thought not; but he took the case as it stood on the paper, and he found that for the *attachés*, interpreters, and clerks in France the sum was £58 7*s.*; for Austria no sum was charged; while for Turkey the amount paid on account of those services was not less than £3,080 11*s.* 1*d.* He was convinced that gratuitous service was a mistake. The mode of insuring good service was by paying your servants well. In that respect the *attachés* connected with the various diplomatic missions deserved the attention of the Government. The *attachés* ought to be well paid, and care ought to be taken that they should be young men who were by their knowledge of public and international law well qualified to discharge the duties of their offices. It frequently happened that Ministers or Ambassadors were men who were taken from that or the other House of Parliament, and were not thoroughly versed in international law. To such persons it was most important that their *attachés* should be acquainted with the treaties on which the public law of Europe was founded, and with the textbooks which treated of international law, and therefore able to furnish them with authorities on any subject at a moment's notice. He had often heard that in these respects English Ministers and Ambassadors did not receive from their *attachés* that assistance which was rendered to the Ministers of other Powers by their subordinates. Considering how much underpaid our *attachés* were, he could not blame them for this. It might be said that these young men looked for promotion; but the effect of this was diminished by the fact that promotion generally depended upon interest with the Minister, and that vacant posts were sometimes filled by men who had no previous experience of diplomacy. Instead of depending upon their hopes of promotion, we ought to give these young men such salaries as would enable them to live in accordance with their position without embarrassing themselves, and to require them in return to do their duty fully. At Paris there was a chaplain who was paid £300 per annum. He did not object to this Vote in a sectarian spirit, but he thought that, as there were so many English residents at Paris, they might support a chaplain by their voluntary contributions. In conclusion, he begged to disclaim any intention of contending that no man ought to be appointed to be an Ambassador or foreign Minister who had not gone through a certain training in public and international law. It was sometimes of advantage to appoint to high diplomatic posts Members of that or the other House of Parliament who had not gone through such training. But they ought to be assisted by an efficient staff.

Viscount PALMERSTON said, that the Vote now under consideration was not for the ordinary payment of the *attachés*, but for the extra expenses of the diplomatic establishments. The salaries and retiring allowances of persons connected with those establishments were defrayed out of a sum of £1,860,000 charged upon the Consolidated Fund. The *attachés* mentioned, as serving in Turkey were, he apprehended, some who had been sent out to serve in the capacity of interpreters rather than of *attachés*. When he was Foreign Minister he thought that it would be very desirable to create a set of British interpreters, who should supersede the dragomans hitherto employed, who were not properly British subjects. He consequently applied to the Vice-Chancellors of the Universities of Oxford and Cambridge, each of whom recommended to him a young man, selected as being most fit for the office, who was sent out to Constantinople to learn Turkish, and then to act as an interpreter. Since that time one or two gentlemen had been added, and he apprehended that those who were referred to in this Vote were serving in that capacity. There was something in what the hon. and learned Gentleman had said as to the inexpediency of the system of unpaid *attachés*. It was also true that in the diplomatic service promotion was slow, but this arose from the very nature of the service. He could not, however, concur with his hon. and learned Friend in thinking that a Minister ought to be dependent upon his *attachés* for the knowledge of public law and historical facts, necessary to enable him to perform his duties; because we must assume that the Minister had risen to the post he occupied through the lower grades, and therefore, if he was not better informed than his subordinates, he would not be well fitted for his office. He considered that the Minister ought to instruct the *attachés*, and not the *attachés* the Minister.

Mr. BOWYER said, that in nine cases out of ten, persons were appointed as Ministers who had not passed through the subordinate grades of the diplomatic service; and to such persons it would be of great advantage to have as *attachés* young men who could at a moment's notice furnish them with any references or facts which they might require.

Mr. W. EWART said, he would remind the hon. and learned Member that by a recent arrangement all *attachés* for the future, before their appointment, would be obliged to go through an examination in history, languages, and, to a certain extent, in international law.

Mr. WISE said, he regretted that the salaries of the Ambassadors were still paid out of the Consolidated Fund instead of coming before the House in the Estimates. He wished for an explanation of an item of £1,463 put down as lost by Ambassadors by exchange.

Mr. WILSON said, that Ambassadors had often very large disbursements to make on behalf of the Government, and in drawing Bills upon this country it not unfrequently happened that the exchange was against the place where the Bills were drawn. It was obviously unfair, however, that the loss should fall on the Ambassadors, who were merely reimbursing themselves for payments they had made. Up to the present year, although losses were allowed for, it had not been usual to account for any gains which might be made in these exchanges; but for the future the practice would be to credit all such gains in favour of the Government.

Mr. W. WILLIAMS said, he did not see why we should have Ministers at six of the petty courts of Germany. He might pass over Hanover on account of the relationship existing between the King and Her Majesty; but that excuse did not apply to Wurtemberg. He believed that our first connection with that kingdom was when a princess of England married the Elector, as he was then called; but since her death there had been no Minister of that State at this Court.

Mr. J. G. PHILLIMORE said, he would remind the hon. Gentleman that the ruler of Wurtemberg had never been called an Elector, but that his former title was Duke of Wurtemberg.

Mr. OTWAY said, he should be glad of some explanation of the item £2 14*s.* 4*d.* in the expenses of the mission at Berlin for fêtes and illumination. Did that sum represent in itself a fête and an illumination? In reference to the subject of paid *attachés* which had just been discussed, he would suggest that it would be for the public service if an interchange were occasionally made between the *attachés* at Foreign missions and the clerks in the Foreign Office; if, for instance, a clerk in the Foreign Office were sent to Spain or Naples, or any other foreign mission, for a year or two, and, *vice versâ*, an *attaché* be brought home and placed for a time in the Foreign Office.

Viscount PALMERSTON said, the practice of attaching clerks in the Foreign Office to foreign missions for short periods was not unusual, and there was no doubt that when it could be done, without inconvenience or interruption to the business of the Foreign Office, it would be very beneficial. With regard to the question raised by the hon. Member for Lambeth (Mr. W. Williams), if it was an error to send representatives to foreign countries it was one which was shared by the world at large; and if it was an error to send representatives to those small German States to which the hon. Member had objected, the greater number of the European Governments were involved in it. Those German States had, more particularly of late, been of considerable importance, because they formed the elements of the Great German body, and the policy of that body had been matter of great importance, especially during the last two years. Every one who had at all attended to the course of things was aware, that a great deal of our interests connected with the war which had recently taken place was dependent on the action of those separate States, composing part of the great German body, and the conduct of the great States, such as Austria and Prussia, had turned very much on the feelings and policy of the smaller component bodies. The public interest would very essentially suffer if a communication between this country and those different States were not organised.

Mr. W. EWART said, he trusted that the observations of the hon. Member for Stafford (Mr. Otway) would not be lost sight of, for it was important to keep up such a system of connection as had been adverted to between the Foreign Office and the missions abroad.

Vote *agreed to.*

(15.) £146,537 Superannuation Allowances.

Mr. W. WILLIAMS said, he observed some items of an astonishing character in the Vote. One person had been receiving a pension for sixty-five years, and there were numerous instances of persons who had retired from infirmity of body. One gentleman (Sir Alexander Spearman) had retired from the Assistant Secretaryship of the Treasury at the age of forty-six years, and, as that gentleman now filled the office of Secretary and Controller General in the National Debt Office, he wished to know what salary Sir Alexander Spearman received in addition to the £1,000 pension.

Mr. WILSON said, that by a rule of the service, if an officer retired on a pension and was afterwards able to return to the public service, taking an office the salary of which was not equal to the emoluments of his former office, he was entitled to retain such portion of the retiring pension as would, together with the new salary, make up the amount of the salary which he had relinquished. That was the case of Sir Alexander Spearman, who was formerly Assistant Secretary to the Treasury, when the salary of that office at its maximum was £2,500 a year. He retired on an allowance of £1,300 a year, but now held the office of Comptroller of the National Debt, the salary of which being £1,500 a year, he retained £1,000 a year of the retiring pension.

Mr. W. WILLIAMS said, that in page 34, four persons were mentioned who had been in the Office of the Metropolitan Buildings, and who received among them £2,000, as retiring pensions. He wished to know why those persons had not been found employment in the new Metropolitan Central Board of Works?

Mr. WILSON said, that it had been found impossible, after making every effort, to find employment for those four persons, and, therefore, they were entitled to superannuation allowances. The retiring pensions allowed to the four officers of the late Metropolitan Commission of Sewers had been provided for by the Metropolis Local Management Act.

Sir FRANCIS BARING observed, that an officer who had retired after nine years' service in office with a salary of £500 received £333 retiring allowance. According to the old Superannuation Act, twenty years' service would have been required of him before he received half of his salary on retirement. He, therefore, wished for some explanation on the subject.

Mr. WILSON said, that the scale referred to by the right. hon. Gentleman applied only to gentlemen who retired from office from ill health or incapacity to continue to perform the duties. In the case of the abolition of an office, it was the practice to give two thirds of the salary for retirement.

Sir FRANCIS BARING said, one of the Committees recommended that all officers who retired in consequence of the abolition of their offices should receive the same amount of pension as if they had been superannuated. He wished to know whether the Treasury Minute granting those superannuation allowances could be produced?

Mr. WILSON said, there was no objection to the production of the correspondence on the subject between the Board of Works and the Treasury.

Lord NAAS said, the office of Counsel to the Irish Office in London having been abolished, he wished for an explanation of the charge of £500 a year, the salary of a gentleman for drawing up Government Bills? Another £500 a year was charged for the retiring allowance of Mr. Batty, who formerly held the office which had been abolished, and the duty of which was the drawing up of Bills.

Colonel DUNNE said, since the abolition of that office, not an intelligible Irish Bill had been been presented to the House. There were several cases of the same kind, especially in the Paymaster's Office and the Audit Office. The Administrative Reform movement of the Government appeared to consist in pensioning off all the able men and replacing them by men who knew nothing about their business. Why, some of those gentlemen were almost ashamed to receive their pensions; he knew many of them who would prefer to perform some duties for them. He wished for some explanation with respect to the retiring allowance of Mr. Mulvaney of the Board of Works, who had been removed from his position in consequence of charges brought against him by Irish Members.

Mr. WILSON said, the office of counsel to the Irish Office had been abolished by the Government, of which the noble Lord (Lord Naas) was a Member, and at his suggestion. It was afterwards found desirable to re-establish it.

Mr. WHITESIDE said, it was quite true that the office was abolished by the Earl of Derby's Government among other reductions which had taken place. But the objection was, that having superannuated the Gentleman who filled the office, the present Government, upon re-establishing it, had appointed a person to do the very work which he was fully competent to perform.

Mr. HORSMAN said, the abolition of Mr. Batty's office and the pensioning of that gentleman was one of the improvements effected by the noble Lord opposite (Lord Naas). It was the opinion of those who were competent to form an opinion on the matter, that those improvements were extremely ill-advised, that they were bad in theory and worse in practice. But, the office of Bill-drawer having been aboished, each Department last Session drew its own Bills, and there was no security for their being well drawn. Greater expense also was incurred; for, whereas Mr. Batty's salary was £1,000 a year, the charge for drawing even those Bills on the subject of tenants' compensation, from which the hon. and learned Gentleman (Mr. Whiteside) and his colleagues had derived so much distinction, was no less than £500. Finding that the system of the noble Lord (Lord Naas) was expensive and inconvenient, he had obtained the services of one of the best Bill-drawers in London, a gentleman who had been brought up under Mr. Batty, and who, for the salary of £500, had undertaken to give the whole of his time to the Irish Office, and to go to Dublin and to attend on Parliament whenever he was required.

Mr. NAPIER said, he was confirmed by this discussion, in his opinion of the necessity for a department of public justice. The right hon. Gentleman the Secretary for Ireland had spoken rather sarcastically about the Landlord and Tenant Bills, but he was willing enough to take them up. [Mr. Horsman.—Never!] Those measures proposed to change and consolidate the entire statute law of landlord and tenant, as well as the law affecting leasing powers; and the best comment upon those two Bills was, that they were received with perfect approbation by both Houses of Parliament. He ventured to say that the gentleman who drew those Bills was very much underpaid; for himself, he received nothing but the usual official allowance of the Attorney General. He was astonished when he saw a Bill now before the House for amending the Common Law Procedure Act. He could not imagine who had drawn it, for it copied an English Act so slavishly that it omitted a marginal note that was wanting in that Act, and re-enacted clauses that had already been enacted in the Bill of an hon. Friend of his. He was sure it was impossible that the Attorney General for Ireland could have had any hand in preparing that Bill. Instead of giving a man a fixed salary, whether there was much work or little, he thought the best plan was to go to the best man, to put him in connection with the department requiring the Bill, and to pay him liberally for his work. If there existed a separate department for preparing Bills, all the measures prepared for England and Ireland might be deliberately drawn up and properly paid for. He trusted he should have the support of the House in putting an end to a system which was accompanied either by actual jobbing or certainly suspicion of jobbing.

Mr. HORSMAN said, it seemed that hon. Gentlemen opposite had changed their ground. At first they had objected to this arrangement on the score of economy. He had shown that the payment was less than under the former system, and now that objection was given up, and it was said that the gentleman employed was not a competent person. The gentleman engaged had had a great deal to do with drawing Bills, and was well known to Members of Parliament for his experience and efficiency.

Mr. DISRAELI said, that having been responsible for the inquiry into the Irish Office he could not admit that the right hon. Gentleman had proved the inefficacy of the arrangements made by the Government of which he was a Member. The right hon. Gentleman said, "Here is a case in which a Gentleman received £1,000 a year for performing a particular office, and you, on a plea that his duties could be performed more efficiently and economically, terminated his engagement. An officer has now been found to perform the same duties for half the money." But that appeared to him to be a justification and vindication of the policy which the Government of Lord Derby had recommended. If for half the salary the duty was as efficiently performed, that proved the wisdom of the recommendations of the Committee at the head of which was his noble Friend the Member for Buckingham (the Marquess of Chandos).

Mr. HORSMAN: If the right hon. Gentleman had reduced the salary from £1,000 to £500 the arrangement would have been an economical one. But he abolished the office, and superannuated the holder of it, and the present Government have re-instated the office at half the salary.

Lord NAAS said, it was found that the clerks of the Irish Office were receiving fixed salaries with very little hope of promotion, and it was thought desirable to put them upon the same system that prevailed in this country. That system was accordingly introduced into the Irish Office, and three classes of clerks were established with progressive salaries. The departments thus got rid of old men who did nothing and received large salaries, and an inducement was given to the younger clerks in the Irish Office to exert themselves. Mr. Batty was receiving £1,000 a year as counsel to the Irish Office. It occurred to the Government that the work of drawing Bills was not worth so high a salary, and that it might be performed for a less sum. They accordingly recommended that the usual annual

Irish Bills should be drawn by the law officers of the Crown; but that if important Bills like the Landlord and Tenant Bills were required, gentlemen of the highest legal acquirements should be consulted, who were conversant with the particular subject to which their attention was directed. They were told that this would be found a saving of expense and an advantage to the public service, but by the arrangement at present in force one gentleman received a salary of £500 and another a superannuation allowance of the same amount.

MR. DRUMMOND said, he wished to call the attention of the Committee to a superannuation allowance for an architect to the Committee of Privy Council on Education. He supposed an architect would be paid in the ordinary way, and he should like to hear why he was to receive a retiring allowance of £130, having previously received a salary of £200.

MR. WILSON said, that Mr. Westmacott was employed as architect at a fixed salary, to which he was entitled as long as he held his office. The policy had been of late to employ public officers at a fixed salary instead of fees. Mr. Westmacott was employed as architect to the Committee of Privy Council on Education, at a salary of £200, and at sixty years of age he retired with a pension of £130.

SIR FRANCIS BARING said, that Mr. Westmacott was not entitled, after service of only twelve years and a half to so large an allowance as had been granted.

MR. J. G. PHILLIMORE said, he did not see what the Committee of Privy Council on Education wanted with an architect any more than a chaplain or a physician.

MR. MOWBRAY said, he wished to know whether Mr. Westmacott was the architect under whose superintendence £70,000 were expended on Kneller Hall?

MR. WILSON said, whatever blunder the Government might have committed in undertaking the establishment at Kneller Hall, it was not the fault of the architect.

MR. BLACKBURN said, the point was, that, if the architect received a commission on that expenditure, he was not entitled to a retiring allowance. There was a sum of £3,237 10*s*. for retiring allowances to officers under the Irish Poor Law Board. Their services could not have been very long, but no information was given in the Estimates either of their ages or services.

MR. W. WILLIAMS said, he would move to reduce the Vote by £2,000—retiring allowances of the three Referees and the Registrar of Metropolitan Buildings.

SIR JOHN PAKINGTON said, he would suggest that the allowances should be gone through regularly, and not taken out of their order. No answer had been given to the remarks of the right hon. Gentleman the Member for Portsmouth (Sir F. Baring). The resignation of office by Mr. Westmacott was no ground for a retiring allowance; age and infirmity of course might give him a claim.

MR. WILSON said, by the Superannuation Act, any public officer was entitled to retire at the age of sixty-five and to have a pension according to merits. This was the third year the allowance had been voted to Mr. Westmacott. It was impossible to remember the circumstances, but it was quite clear that at the age of sixty-five he was entitled to a retiring allowance.

MR. BLACKBURN said, he must repeat his observation on the £3,237 10*s*. for retiring allowances to officers under the Irish Poor Law Board.

VISCOUNT MONCK said, he must beg to explain, with reference to the retired officers of metropolitan buildings, that the Act abolishing those offices contained a clause giving compensation. The special circumstances of the three referees and registrar, the officers in question, had been considered. They were all professional gentlemen, who had been taken from their private practice to fill appointments of trust. After many years' service the offices had been abolished, and they had been sent back to their professions with little chance of regaining their private practice. Those circumstances he thought were a sufficient justification for the amount of retiring allowance.

MR. MOWBRAY said, he must call attention to the fact, that the appeal of the hon. Member for Stirlingshire (Mr. Blackburn), though twice made, still remained unanswered. If the Government offered no explanation, he should move the reduction of the Vote by £3,237 10*s*.

MR. WILSON said, it was impossible to answer so many questions at the same time. The whole details of the transaction had formed the subject of two hours' discussion in a previous Session. All the offices held by those ten gentlemen under the Poor Law Board had been abolished, and a great saving thereby effected.

MR. GROGAN said, those gentlemen

were perfectly competent to fill existing offices, to which other gentlemen had been appointed.

Mr. WILSON said, he must deny that such was the fact. No new officers had been appointed to the Poor Law Board in Ireland.

Mr. HORSMAN said, that whenever vacancies occurred, the Government always gave the preference to candidates who had been previously superseded on grounds of economy.

Sir FRANCIS BARING said, that the subject of these superannuation allowances, having been discussed at some length last year, ought not, in fairness perhaps, to be again revived; but the amounts had certainly been fixed much above the standard prescribed by the Treasury Minute or by the Superannuation Act.

Mr. SPOONER said, he would beg to ask whether the offices of the three official referees included in the Vote still existed?

The CHANCELLOR of the EXCHEQUER said, they did not. These officers were pensioned under the Metropolitan Buildings Act, and were not subject to the control of the Treasury.

Mr. HILDYARD said, the answer that had been given might suffice to exculpate the Government, but did not exonerate the House. It was now the rage to abolish everything, to vote handsome compensation to all the persons concerned, and then call into existence a substitute for the institution swept away, which, in turn, was soon found to work little better than its predecessor. They omitted, however, to provide that the paid officers under the old system should be continued under the new. They might well take a lesson in this respect from Æsop's fable of the "Fox and the Flies." Reynard, while swimming across a river, was caught in the weeds and there surrounded by a swarm of flies, who began to suck his blood. A swallow coming near wished to drive away the flies, but Reynard forbade this, shrewdly observing that the swarm which then had possession of him were nearly satiated, but if they were driven away they would be sure to be succeeded by a fresh army as voracious as the first, which would drain his body of every remaining drop of the vital fluid.

Captain SCOBELL said, he wished to remark that there were about 300 "flies" included in the list before the Committee —in other words, there were 300 claimants for retiring pensions, many of whom were neither aged no disabled; he should like to know why they were not reabsorbed into the public service, and made to work for their pay?

Mr. BOWYER said, he would suggest that next year the Vote for superannuation allowances, which extended over thirty-three pages of the Estimate, should be broken up into a number of distinct Votes. That would be a great convenience to the Committee, and would also facilitate the task of the Government in affording explanations. The greatest confusion was produced by the present complex form of the Vote, which, moreover, was calculated to render the revision of the Estimates by that House nothing better than an idle farce.

Mr. W. WILLIAMS said, that after the explanations which had been given, he would not press his Amendment.

Amendment *withdrawn.*

Vote *agreed to.*

(16.) £2,270, Toulonese and other Emigrants.

Mr. MOWBRAY said, he observed that this Vote included a sum of £210 for "American Loyalists," and he wished to know what number of persons coming under that designation now possessed any claims upon the Government? In a subsequent Vote he found items of £700 for "poor French refugee clergy," and of £250 for "poor French refugee laity." He would suggest that all items of that description should be included in one Vote.

Mr. WILSON said, that all those charges were sanctioned by Act of Parliament, and had been carefully investigated by the Committee on the Miscellaneous Estimates a short time ago. He could not inform the hon. Member among what number of American loyalists the Vote was divided, but if it was thought advisable a Return of the number of persons participating in the grant could be presented to the House.

Mr. DRUMMOND said, he believed that the grants to refugees had been confined to two generations, and he could not understand why the grant to French refugee clergy, who must have come to this country about 1793 and which could not have been required for two generations, should still be continued.

Vote *agreed to.*

(17.) £2,000, National Vaccine Establishment.

Mr. STAFFORD said, he wished to know why a long and violent pamphlet, written with great spirit and ability, but directed against the Compulsory Vaccination Act, bearing the signature of "John Gibbs," had been printed at the public expense? The production of the pamphlet or letter had been moved by the hon. Member for Salford (Mr. Brotherton), and the writer described vaccination as "a great sham, a wicked delusion, which could have emanated only from the 'father of lies,' and to advocate which is at best but to preach, 'Let us do evil that good may come.'" As there was a great outcry against the expenditure for printing Returns, he thought the Committee should be informed why that letter had been printed at the expense of the country, and not at that of the Gentleman by whom it was written.

Mr. COWPER said, that the letter referred to was of a very amusing character, but the Government had nothing to do with printing it. The hon. Members for Salford and Finsbury were the parties responsible for affording hon. Gentlemen the opportunity of perusing this very facetious pamphlet.

Mr. BROTHERTON said, the paper in question was addressed to the President of the Board of Health, and he (Mr. Brotherton) applied to the Printing Committee, requesting them to order it to be printed, but they declined to accede to the request. That was all he had to do with the matter. The hon. Member for Finsbury (Mr. T. Duncombe) afterwards gave notice of a Motion for the printing of the letter, and the Committee then ordered it to be printed.

Mr. MICHELL said, he knew nothing of Mr. Gibbs, but that that gentleman's letter contained much valuable information, and that from his own experience he could confirm many of the writer's statements. He regarded the letter as a very valuable document, and if hon. Members would read and consider it they would know more of vaccination than they did at present. Many deaths had been caused by vaccination, and he thought, when Bills were passed by that House causing the deaths of individuals by vaccination, it was necessary the House should be informed on the subject, although it might be by a man like Mr. Gibbs.

Mr. GROGAN said, he thought that if hon. Gentlemen took the trouble to read Mr. Gibbs's letter they would find that it referred to facts which would surprise them.

Mr. COWPER said, he was glad to learn that the pamphlet was worth reading, for if he had not heard such an opinion expressed by the hon. Gentleman (Mr. Michell) he would have supposed it had been written by the inmate of a lunatic asylum. He had certainly been under the impression that the writer was stark staring mad.

Mr. MICHELL said, Mr. Gibbs did not receive £2,000 a year for supporting the system of vaccination, or he might not have expressed such strong opinions on the subject.

Vote *agreed to;* as was also—

(18.) £325, Refuge for the Destitute.

(19.) £4,000, Polish Refugees and distressed Spaniards.

Mr. HADFIELD said, he wished to inquire whether the Poles enlisted in our service during the present war would be regarded as fresh claimants upon this fund, or whether arrangements would be made with the Emperor of Russia for their restoration to their own country?

Mr. WILSON said, the Vote had nothing to do with the Poles engaged in the recent war. It was established for the benefit of the old Polish refugees, and was in process of gradual reduction, having been £8,500 in 1848.

Vote *agreed to;* as was also—

(20.) £4,371, Miscellaneous Allowances.

(21.) £2,985, Infirmaries (Ireland).

Mr. W. WILLIAMS said, he thought the time had arrived when this Vote should disappear from the Estimates. Not a single farthing was given to Infirmaries in England or Scotland. He considered that the people of Ireland should support their own Infirmaries, and he believed they would do so if they were not allowed to put their hand into the public purse.

Mr. WILSON said, the Vote was sanctioned by two Acts of Parliament; but in the Medical Charities Act it was provided that the allowances should be discontinued when the officers receiving them ceased to hold their offices.

Colonel DUNNE said, the hon. Member for Lambeth (Mr. W. Williams) seemed to have forgotten that the salaries of the medical officers and schoolmasters of workhouses, which in England were paid out of the public money, were paid by the rate-payers in Ireland. A larger sum than that which the Committee was now asked to vote for Infirmaries in Ireland was annually voted for a single park in London.

Vote *agreed to.*

(22.) Motion made, and Question proposed—

> "That a sum, not exceeding £1,295, be granted to Her Majesty, to defray the Expenses of the Foundling Hospital Department of the House of Industry, Dublin, to the 31st day of March, 1857."

Mr. W. WILLIAMS said, the people of England and Scotland paid for every one of the workhouses in Ireland, to say nothing of the public works, which cost several millions in addition.

Mr. BLACKBURN said that the Commissioners appointed to inquire into the condition of the Dublin Hospitals, and whose Report had been delivered only that morning, expressed the opinion that £7,600 per annum would be sufficient for the support of all the Hospitals connected with the House of Industry, of which the Foundling Hospital was one. He did not think that the Committee should be asked to pass this Vote until some attempt had been made to carry the recommendations of the Commissioners into effect.

Mr. HORSMAN said, that the grants to these Hospitals, dated as far back as the time of the Union. By a clause in the Act of Union, the British Parliament bound itself to grant for those hospitals, for twenty years, the same amount as the Irish Parliament had granted for their support. The grant had been continued since, principally through the recommendation of Committees appointed to report on the matter. In 1855, a Commission was appointed on the subject, but that Report had only just been laid upon the table of the House. The grant, in fact, was about the same as it had been for several years, the only alteration being that a new distribution of it was proposed.

Mr. ALEXANDER HASTIE said, he should move that the Vote be reduced by the sum of £129 10*s*., or ten per cent on the Vote. The ground of his Motion was that Ireland ought to support its own foundlings, and not call upon England to do so.

Mr. I. BUTT said, this Vote involved no question whatever relating to Dublin Hospitals in general. It was simply whether the House of Commons should continue to pay certain pensions and charges entailed upon a defunct establishment, and which would gradually die off.

Mr. VANCE said, the charge had been gradually diminishing, and he trusted, after the explanation which had been given, the hon. Gentleman would withdraw his opposition.

Motion made, and Question put—

> "That a sum, not exceeding £1,165 10*s*. be granted to Her Majesty, to defray the expense of the Foundling Hospital Department of the House of Industry, Dublin, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 32; Noes 187: Majority 155.

Original Question put, and *agreed to.*

(23.) Motion made, and Question proposed—

> "That a sum, not exceeding £11,790, be granted to Her Majesty, towards defraying the Expense of the House of Industry, &c. Dublin, to the 31st day of March, 1857."

Mr. ALEXANDER HASTIE said, he should now move that the Vote be reduced by 10 per cent.

Motion made, and Question put—

> "That a sum, not exceeding £10,611, be granted to Her Majesty, towards defraying the Expense of the House of Industry, &c. Dublin, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 33; Noes 180: Majority 147.

Original Question put, and *agreed to.*

Mr. HADFIELD said, he would now move that the Chairman leave the chair and report progress. The House had already been in Committee for seven consecutive hours.

The CHANCELLOR of the EXCHEQUER said, he hoped his hon. Friend would not persist in his Motion. He did not believe the Committee were at present exhausted.

Mr. HADFIELD said, the labour was really more than human nature could bear; he would, however, consent to withdraw his Motion.

The following Votes were then *agreed to*—

(24.) £500, Female Orphan House.

(25.) £1,215, Westmoreland Lock Hospital.

(26.) £500, Lying-In Hospital.

(27.) £795, Doctor Steevens' Hospital.

(28.) £1,900, House of Recovery.

(29.) £600, Meath Hospital.

The House resumed.

BANKERS' COMPOSITIONS BILL.

Order for Second Reading read.

Mr. GLYN said, he must express his regret that the right hon. Gentleman the

Chancellor of the Exchequer had not, in moving the second reading of this Bill, taken the opportunity of stating to the House the course which Her Majesty's Government intended to pursue in regard to the Bank Act of 1814, of which this was a pendant. He was anxious to ask the right hon. Gentleman a question upon the Treasury Minute of the 18th of March, 1856, respecting the payment to the public of the net profit arising from the issuing of bank notes. He wished for an explanation with regard to the item in the account for deduction to the amount of £1,422, being compensation now paid by the Bank to bankers for a discontinuance of their circulation.

THE CHANCELLOR OF THE EXCHEQUER said, he had stated at the beginning of the Session that the Government would make no objection to an inquiry by a Committee into the operation of the Act of 1844, if any gentleman should think it desirable to propose it at the end of the Session. He did not know whether it would be the wish of the House, at this period of the Session, to institute such an inquiry; but if it were, no objection would be made by the Government. At the same time, he was not aware that, during this latter period of the Session, it would be possible to make any great progress in an inquiry of that sort. He did not see how it would be consistent with the duty of the Government to make any proposition for the alteration of a solemn act of the Legislature embodying a compact between Parliament and the Bank of England, without a preliminary inquiry, and without facts having been ascertained and opinions heard bearing upon the operation of this Act during the twelve years which had elapsed since its passing—that Act having for the first time introduced the important principle of a fixed legislative limit on the issues of the Bank. With regard to the hon. Gentleman's second question, he could only say that the arrangement had been carefully considered in concert with the Governor and Deputy-Governor of the Bank before the Minute was drawn; but he could not at that moment explain the precise item referred to by his hon. Friend. If he would repeat the question on another occasion, he would take the opportunity of reading the Minute again, and he should then be able to give his hon. Friend the explanation which he desired.

MR. SPOONER said that, when an inquiry into our monetary system was proposed a short time ago, both the right hon. Gentleman and the right hon. Baronet the First Lord of the Admiralty stated that, though they were not opposed to an inquiry, yet that that was not the proper time. Now, the right hon. Gentleman said it was too late. If that were so, why had all this time been wasted?

Bill read 2°.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, April 15, 1856.

MINUTES.] PUBLIC BILLS.—1ª Public Works; Public Works (Ireland).

THE POSTMASTER OF HUNTINGDON—QUESTION.

THE EARL OF SANDWICH begged to ask the noble Duke the Postmaster General what were the reasons which induced him to withdraw the prosecution of the postmaster at Huntingdon at the last assizes? The case was that the postmaster, being the agent for the sale of an article by a London tradesman, opened a letter containing a Post-office order and an order for the article in question, and sent up to town a Post-office order in his own name for the sum for which the other order was drawn, less the amount of his own commission. The case against him was fully made out, and, indeed, he had confessed his offence, but the prosecution was not carried out against him. In a case in Staffordshire, the postmaster at Rugely opened a letter, and was prosecuted to conviction, and was now undergoing imprisonment for the offence. He thought that it should be fully known that in all cases of this kind the Post-office officials would meet with punishment.

THE DUKE OF ARGYLL said, that in the case of the Postmaster of Huntingdon, it had appeared to the Post-office authorities that it was not an offence which was intended to defraud the revenue, but that the alteration in the amount of the Post-office order, and the substitution of another, was only for the purpose of obtaining a small commission to which he was entitled on the sale of the article ordered from a London tradesman, whose agent he was. The course pursued by the Post-office authorities was to punish official offences themselves; but in all cases of criminal prosecution for felony, the Law Officers of the Crown were consulted. In this instance the case had been submitted to the Attorney General, and he did not advise that a prosecution should be instituted. In the Staffordshire case, the Attorney General advised that the postmaster of Rugely should be prosecuted. But though no prosecution was instituted against the postmaster of Huntingdon, he had been dismissed by the Post-office authorities.

THE OXFORD UNIVERSITY BILL—EXPLANATION.

THE EARL OF DERBY said, that on looking at the Votes that morning he found, to his surprise, that at the close of the proceedings on the previous evening, the noble Earl the Lord Privy Seal had laid on the table a Bill to amend the Act for reforming the University of Oxford which had passed two years ago. No doubt the noble Earl had a right to lay any Bill on the table without notice; but, considering his (the Earl of Derby's) connection with the University, he thought that in courtesy the noble Earl might have afforded him an opportunity of learning that such a Bill was to be brought forward, and what was its nature. It was a matter of regret, after a question of this kind had received what was supposed to be a final settlement two years ago, that any course should be taken which involved interference with an Act which had so recently been passed; and no such Bill ought to have been laid on the table without notice, or without a word being said about it. He thought that the University should have had some notice of the intention of the Government to introduce a Bill on this subject; they might have had such notice, but he was not aware of it. He should be glad to know what was the object of the Bill.

THE EARL OF HARROWBY regretted that he should have omitted to mention the Bill to the noble Earl:—he certainly would have done so if the question involved in the Bill had been of any importance. The object of the Bill was merely to supply an almost clerical error in the Act of 1854, the clauses of which in regard to endowments did not provide for cases in which there were private Acts of Parliament.

House adjourned to Thursday next.

The Duke of Argyll

HOUSE OF COMMONS,

Tuesday, April 15, 1856.

MINUTES.] PUBLIC BILLS.—1° Maynooth College, Lunatic Asylums (Ireland).

THE FOREIGN LEGIONS—QUESTION.

COLONEL DUNNE asked at what time the Government had determined to disband the foreign troops in the British service, whether now in England, in the East, or in any foreign country; and whether such troops, when disbanded, were to receive any advantages of pension or emigration, which would not be granted to British troops of the line or militia?

MR. FREDERICK PEEL replied, that the foreign levies would be disbanded at as early a period as circumstances would permit. The rights of the troops were regulated entirely by articles and stipulations which were framed when each foreign legion was established, and, of course, the promises which had been made would be strictly fulfilled. Those troops had no claim to pensions, although, on being disbanded, they would be entitled to gratuities, at the rate of three months' pay to the officers, and twelve months' pay to the private soldiers. They were also entitled to a passage, at the cost of Her Majesty's Government, either to their own homes, to British North America, or to the Cape, as they might wish.

THE FRENCH WAR MEDALS—QUESTION.

COLONEL LINDSAY said, that some misapprehension existed as to the answer which had been given by the Under Secretary for War to the hon. and gallant Member for Lincoln (Major Sibthorp) the other evening, with reference to the French war medals, and he therefore begged to ask whether these medals, which were said to have been transmitted for distribution to the troops, were to be conferred on every officer and soldier who served in the Crimea, or whether the decoration was to be conferred on such officers and soldiers as Her Majesty might select for the honour?

MR. FREDERICK PEEL said, the medals would be distributed in the proportion in which they were awarded in the French service—namely, to 10 men in every 1,000, and it would, therefore, be necessary to select those soldiers who were most worthy to receive the decoration. Accordingly, General Codrington had been instructed, with the aid of the commanding officers of the various regiments, to make such a selection.

In answer to Colonel Lindsay,

Mr. FREDERICK PEEL said, the decoration would be confined to non-commissioned officers and private soldiers.

MAYNOOTH COLLEGE—COMMITTEE.

Mr. SPOONER *presented* a petition numerously signed by the Protestants of Dublin; a petition from the Edinburgh Auxiliary to the Scottish Protestant Association; a petition from more than 1,000 of the inhabitants of Edinburgh; a petition, very numerously signed, from the inhabitants of Leith; and a petition from the members of the Scottish Protestant Association, signed by the two Secretaries, against the grant to Maynooth College. These petitions stated that the petitioners think the principles of the Church of Rome are opposed to God's Word, and detrimental to the interests of the State, and they cannot acquiesce in the national endowment of Maynooth, which they believe to be a stronghold of error and superstition. The hon. Member then rose to move—

> "That this House do resolve itself into a Committee for the purpose of considering the Acts for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

Frequently as he had brought this all-important question under the notice of the House of Commons, he confessed that he entered upon his task on the present occasion under circumstances of greater difficulty and greater embarrassment than had ever occurred to him before. The difficulty he was now placed in was this—that so often had he laid those reasons before the House which had led him to the conclusion that the repeal of this grant was essential, that if it depended on himself only he should prefer going to a division on the question without further debate. But he feared that the gentlemen opposite would not consent to that course, and thus he was compelled to occupy the time of the House. The second difficulty under which he had laboured was whether he ought not to have renewed the Motion for a Committee to inquire into the dealing with the evidence taken before the Maynooth Commissioners before it was presented to Her Majesty and to Parliament. In the debate last Session he asserted, and t was admitted by the noble Lord, that the evidence taken before the Commissioners had been sent to Rome before it was communicated to Parliament and Her Majesty. He certainly did think that this gross breach of confidence on the part of the Commissioners would have formed a fit subject for farther inquiry, and he did think that Her Majesty's Government would have found it to be their duty to make this inquiry, and also into the fact that prohibited titles to Roman Catholic ecclesiastics were there attributed, and allowed to be so attributed by the Commissioners. That the evidence of the witnesses had been tampered with. The witnesses were allowed to alter their evidence, and a larger field for correction was given than was customary; so that, in fact, the evidence in the Report was not the evidence that the Commissioners first received. It was impossible to say that these matters were not of importance; for when a Report was made on evidence so contradictory, and so much mutilated, it was not worthy of the least consideration. He thought that this was a question into which the Government ought to have instituted inquiry, but that if he moved to renew that inquiry this Session, it would operate as a bar to his bringing before the House the still more important question which he was about to submit to their consideration for the repeal of the grant to Maynooth; he had, therefore, made his election, and had resolved to move for the repeal of the grant. He had been informed by an hon. and learned Friend who was decidedly opposed to him, that he had heard there was a sort of conspiracy between himself, the Ministers of the Crown, and the Romish Archbishop of Dublin, not to go into the investigation of his (Mr. Spooner's) charge of the improper dealing with the evidence, though the professors of Maynooth were very desirous of such investigation, and that he had yielded to the persuasion of the so-called Archbishop. He was surprised the hon. and learned Gentleman should have attached any importance to such a rumour. For his own part, all he thought it necessary to say was, that this was the first word he had heard about it, and he gave it a flat contradiction. He would now endeavour, as shortly as he could, as he was not desirous of taking up the time of the House by repeating arguments which had been so often and so fully urged, to state his reasons why he thought the House should consent to repeal this grant. He would first call the attention of the House to the Report of the Commissioners before he proceeded to notice the evidence. A more remarkable document than this Report was never before laid upon the table of that House. The Commissioners, at the outset, state that they thought it to be their duty to make inquiry as to the teaching of Maynooth with respect to matters connected with the interests of the State and to matters in which the interests of morality were concerned. Some in which temporal, some in which spiritual authority was included, such as allegiance to the Sovereign, the obligation of an oath, and questions of like nature, together with other questions relative to the confessional. This was a part of the Commissioners' Report. They say—

> "On these points we can do little more than place the evidence generally before your Majesty, and leave it to produce its own impression."

Now, the impression on his mind was, that the evidence was contradictory from beginning to end. That the witnesses succeeded in deluding the Commissioners, and so made the investigation a mockery and a sham. He thought it was clearly the duty of the Commissioners to enter fully into the investigation, not seeking only for information from persons in the College, who would be influenced by what they were taught, and who were bound by their tenets to say nothing injurious to the interests of their Church. He contended that such doubtful, contradictory, and unintelligible evidence ought not to have been laid before Parliament or Her Majesty without comment on the part of the Commissioners. Speaking with regard to the confessional examination, the Commissioners said that—

> "It had been proved to be a most dangerous subject, but that it was confined to Maynooth to a short period, and that every security was taken against its abuse."

Everybody who knew anything of the system of the confessional could say whether it ought to be supported out of the taxes of this country. The Commissioners went on to state—

> "That they had no reason to believe from the evidence that it had had, practically, any injurious effect on the minds and characters of the students."

But if hon. Members would give themselves the trouble to examine into what is known and published as the practice of the Romish confessional, he felt assured that they would come to the conclusion that it was of necessity "injurious" in its effects to the minds of all that were subjected to its power. In referring to the evidence, further on, he found that the Rev. Mr. O'Hanlon, president of the Dunboyne establishment, denied that "the Pope, or Church, had any temporal power, direct or indirect." In another part of his evidence the rev. gentleman admitted a distinction between temporal and spiritual affairs, and that some matters were necessarily not purely spiritual nor purely temporal. In answer to another question, the witness stated that every vote for a Member of Parliament might become a spiritual question, because it might have reference to the commission or avoidance of sin. He also found him stating, and his statement was confirmed by many other parts of the evidence, that he would be warranted in withholding the sacrament of the Church from a man by reason of his preferring one candidate to another, because a priest was bound to withhold the sacrament from a man who purposed to commit a sin. First, it was said that a vote was a temporal matter, but that it might become a spiritual matter, because it might lead to the commission of sin; and that if the priest believed it would lead to the commission of sin, he was at liberty to withhold the sacrament. He wished to know whether such a doctrine was in unison with the allegiance which they owed to the Sovereign, or whether it was right that a Protestant nation should pay for the teaching of such a doctrine?

The persons examined by the Commissioners were persons whose tenets, if they honestly held the doctrines taught at Maynooth, compelled them to equivocate, if equivocation was for the benefit of their Church. That was proved by the books at Maynooth, and more especially in the works of that celebrated and canonised author, St. Alphonsus de Liguori, and this was a question which that House ought well to consider and closely to examine. One of the persons examined, the Rev. Mr. Burke, had been educated at Maynooth, but, having seen the error of his ways, had become a convert to the Protestant faith. Mr. Burke had been five years at Maynooth, and gave evidence of the open and undisguised disloyalty which he witnessed at Maynooth in 1829. He also stated that he, as a student, was "a rebel of the first water," and that "he had prayed for the destruction of the British Empire merely because it was Protestant." He further stated that the College was a hotbed of sedition; that he entered it a loyal subject, and left it a rebel. The Commissioners had, nevertheless, stated that they had found no evidence of disloyalty or any want of true allegiance to the Sovereign as resulting from the education at Maynooth. Another gentleman, now a clergyman of the Church of England, the Rev. Mr. Leary, with whom he had the pleasure of being acquainted, a man of high character, conscientious, upright, and who would not speak beyond the truth, stated that he had entered Maynooth in 1830 and had left it in 1837; that the impression kept up among the students was, that the reigning King of this country was a heretic and out of the pale of salvation; that allegiance ought not to be observed towards him, because the Throne was occupied to the exclusion of Roman Catholics, and that to render allegiance in such a case would be injurious to the eternal welfare of their souls. Such was the impression kept up among the students at Maynooth. This gentleman further stated that the general opinion of the College was, that the Pope had direct power over Kings, inasmuch as the souls of subjects were of more value than their worldly possessions—that it was expressly laid down in Bailly's book that the Pope had direct and supreme authority over all kings, and that the prominent idea among the students was, the universal supremacy of the Pope. They had, nevertheless, been told that no evidence had been produced to lead the Commissioners to believe that anything was taught to weaken allegiance to the Crown, and that everything was carried on at Maynooth in accordance with the principles on which it was founded. He had read the evidence carefully, and his decided opinion was, that the evidence of the professors had been got up purposely to deceive the Commissioners, and that they had deceived them. Other evidence ought to have been taken, and attention ought to have been given to the books used, a list of which had been given by the Rev. Mr. M'Ghee, who ought himself to have been examined before the Commissioners. These books contained the leading doctrines that were taught at every Roman Catholic College. They were formally deposited in the Bodleian and in the library of the Cambridge University, and at Trinity College, Dublin, and certificates had been produced from persons in authority in all these Universities, testifying that the extracts from them in Mr. M'Ghee's work were correct. The Commissioners had not said anything about the monstrous doctrines that were taught in one of these books on the subject of equivocation for a good cause; of what was defined as a good cause, and on the subject of confession. He could not venture to describe these books further than to say that they were such as no young person ought to read. Yet the wives and the daughters of Roman Catholics were bound to submit to the abominable system there indicated. These were grounds amply sufficient to justify the House in refusing any grant to Maynooth. Upon what ground could the granting of money for the purchase of such works and for the teaching of such doctrines be defended? He would advise hon. Members to read the book published by Mr. M'Ghee on this part of the subject. The other day his hon. and learned Friend the Member for Stamford (Sir F. Thesiger), in the debate on the Oath of Abjuration Bill, had referred to a collection of bulls made for the use of the Propaganda at Rome. Dr. Paul Cullen had lately published a selection of these, and two of them actually contained a denial of the title of the House of Hanover to the Throne of these realms. It was asserted in those bulls that there were numerous successors to the Pretender to be found among the Roman Catholics on the Continent. The first volume contained an address to George III. on his accession in 1760, and breathed a spirit of affection and loyalty; but in the previous year, 1759, Clement XIII. had addressed a letter to the Pretender, styling him King of Great Britain, and apologising for not having mentioned His Majesty's name on appointing a person to a see in Ireland, but pledging himself that the omission of the Pretender's name would not injure, or be regarded as any derogation of his right of nomination as King of Great Britain. He inferred from those proceedings in 1759 and 1760, that a system of deception had been carried on, and that while the Roman Catholics were openly professing loyalty and affection to George III. they were underhand doing all they could in favour of the Pretender. A selection of these bulls had been published by the Pope's Legate in Ireland—an office and title, he might remark, altogether illegal, and which ought to be taken notice of by the law officers of the Crown. In this selection by Dr. Paul Cullen it was stated, in a letter to Cardinal Fransoni, that it had been arranged for the use of the College of the Propaganda at Rome, "in order that all might be in readiness that might appertain to the right and expeditious management of affairs." In another part of the letter it was stated that the edition contained for the first time all the apostolic letters, "the necessity or opportunity of consulting which, may easily occur in the course of managing affairs by the Sacred Council." The first edition was dated 1745—the very year of the last struggle of the Stuarts for the Crown—and the last 1841. Of the letters in the time of George III., eight were selected for the use of the Propaganda, and of these, two ignored the right of the House of Hanover to the Throne. There could be no doubt that this condensed code of papal canon law had been published at the time in question with the view, if possible, of throwing doubt upon the succession to the Throne. Another point he must refer to. Among the books formerly taught at Maynooth was Bailly's work. In that work a doctrine not over-pleasing to Rome, and quite contrary to the doctrine of Dr. Cullen, was laid down, to the effect, that a marriage might be perfectly valid though merely a civil contract, and without being celebrated by the Church of Rome. The result was, that that book was now prohibited, and was no longer taught at Maynooth. Coupling that fact with the documents published ignoring the right of the House of Hanover to the Throne, it was clear that something was in preparation against the Crown and constitution. They might rest assured that Roman Catholics meditated claiming the right of succession to the Throne of this country for members of their own persuasion. They had told them that they did not mean to be contented with what they sneeringly called toleration; they aimed at supremacy, and when they succeeded in this, they would doubtless use their utmost endeavours to uproot the Protestant succession. They meant to make the attempt, and blind, indeed, must those persons be who did not perceive that such was their object. While Roman Catholics were making their preparations the Government of this country were yielding step after step to their demands, and one demand complied with, only led to another. According to the doctrines taught at Maynooth, and the teaching of which was paid for by Protestants, no honest Roman Catholic ought to be content till they put themselves on a par at least with the Protestant Church of this country. He hoped, however, that the Protestants of this country would always be ready to maintain the constitution in Church and State which the blood of their ancestors had purchased for them. If they did not resist, if they yielded every demand made upon them, the day would come, though he might not live to see it, when the present dynasty would be overthrown. He wished to direct the attention of hon. Members to the first Commission of Inquiry—most ably presided over by the late Sir Frankland Lewis, father of the right hon. Gentleman opposite — into the College of Maynooth. They were then compelled to give a list of their books, but such was the conflicting nature of the evidence, that the Commissioners pronounced no opinion on the question, and contented themselves with giving the evidence only. That Inquiry, presided over by the right hon. Gentleman before named, was far more searching and much more ably conducted than the last inquiry. Then, as he stated, a list of books, and some account of the doctrines inculcated were given, but now no list of books had been required or given; and, as to the teaching of the professors, they very coolly told the Commissioners that no account could be given of it, from books, or otherwise. Could anything be more insolent? Would Parliament consent to continue grants for the education of public instructors, when all information as to the doctrines inculcated was thus unjustifiably denied? He alluded to that part of the question in order to point out the system of aggression which had been pursued. The noble Lord opposite must be conscious of the dangerous and unconstitutional influence which had been brought to bear on the Government of this country. The noble Lord professed not to know it, but they ought to look at the noble Lord's acts —to regard their tendency—and to test the character of those on whom the noble Lord had conferred appointments. If the noble Lord was unconscious of the feeling which had influenced him he could tell him that the whole country believed that it was fear of certain Gentlemen below the gangway that had led him to make an appointment disgraceful to the Government, and injurious to the best interests of the country, against which the whole country cried out, and the effect of which would recoil on those who had so unnecessarily yielded to the pressure of a certain section in that House. He was determined to do everything in his power to put an end to the national support of a system which the Rubric at the end of the office of the Holy Communion of our Church declared to be "idolatry to be abhorred of all Christian men." He quoted the words of our Church. The 31st Article of the Church also declared that the sacrifices of the mass were "blasphemous fables and dangerous deceits." Yet that was the system which Protestants were called upon to support out of the taxes of this country. If they sanctioned this system they would be disregarding the oaths which they had taken. He would now quote from a public print a paragraph illustrative of the feelings with which the Holy Scriptures were regarded by one of the Maynooth-educated priests. It was from the *Dublin Daily Express* of 29th of November 1855, and had reference to the Bible burning, for which a prosecution was instituted and failed. The language of the Rev. Mr. M'Evoy, parish priest of Kells, in reference to the transaction was—

> "Would you know what is the nature of the charge recently made? It was that of committing to the flames a thing which pretends to be the Bible, but which is a vile and blasphemous perversion and corruption of the Word of God. It was for committing to the flames a volume which if I myself, in the absence of Attorneys General and Solicitors General, were going to commit to the flames, I should take it up with a pair of tongs for fear of soiling my fingers, and so with the tongs would I hurl it into the consuming fire."

Such was the language used to a large meeting by one of the Maynooth-educated priests, and for whose education this country had paid. Unless hon. Members shook off the influences which had acted upon them of late years, and considered what the priests of the Roman Catholic Church were about at that moment, they would be compelled to relinquish that high position which as Protestants they had occupied for the last century in this country. They would be compelled to sacrifice the bulwarks of their faith and liberty for which their forefathers had bled. They would be betraying the trust reposed in them, and committing a crime which they never could expiate, if they did not withstand these aggressions and cease to give support to a system which was designed for their overthrow. He had taken the oath of allegiance, and he felt bound by that oath to oppose in the strongest manner the maintenance by the State of such an institution as Maynooth. They required the Sovereign to take an oath to maintain the rights of the Protestant Church as by law established. Was that to be done by calling upon the Sovereign to consent to grants of money to priests who taught such doctrines as those to which he had referred? He could show from the evidence contained in the Appendix to the Report to which he had called the attention of the House, that the Romish priesthood maintained the punishment of heresy to be justifiable; and he must contend that if the power of that priesthood were suffered to go on increasing, the security of the Sovereign upon the throne would be imperilled. Anybody who had read the evidence could not fail to perceive that the Church of Rome was at present divided into two sections—the Ultramontane party and the Gallican. Now a great struggle was going on, the object of which was to bring Maynooth within the influence and domination of the doctrines upheld by the former section, and the leaders in that struggle were Dr. Wiseman and Archbishop Cullen. How far the introduction of those doctrines into this country was consistent with its prosperity and in accordance with the maintenance of sound Protestant principles, it behoved hon. Members before they came to a decision upon his Motion that evening carefully to consider. He was sorry to find that a right hon. Friend of his (Mr. Walpole), who, from conversations which he had had with him, as well as from statements which he had made outside the walls of that House, seemed to doubt whether the House of Commons was not bound, in consequence of what had taken place in 1845, and in the observance of good faith, to continue the grant to Maynooth—was not in his place that evening. He regretted his right hon. Friend's absence, because he was of opinion that he should have been able to prove to him that there was no good foundation for the supposition that Parliament was pledged to the continuance of the grant in question; and upon that point he was supported by the authority of the late Sir R. Peel, by whom the measure of 1845 had been introduced and carried through that House. That statesman, when proposing that measure, had made use of the following words—

> "It is, I trust, conceived in the spirit to which I have referred—a liberal and confiding spirit. We have not introduced it without communication with the leading ecclesiastical authorities in the Roman Catholic Church. It has not been a subject of stipulation or contract with them."—[3 *Hansard*, lxxix. 37.]

It was proposed as a free gift, in full confidence that the professions of those who received it would be observed, and with the view to give Ireland a higher class of Roman Catholic priests. Those professions had been broken, and that object had not been attained. There was no promise. The House was free to act, and under those circumstances it was their duty to withdraw the grant. He would appeal to hon. Members to lay their hands upon their hearts, and say that the priesthood of Ireland had, in consequence of the liberality of Parliament, become a more loyal and submissive class of men, or that in an intellectual point of view they were superior to those who had existed previous to 1845? Let those who were acquainted with the management of elections in Ireland, and its results, and who had to deal with those who, out of doors, went by the name of the Papist Band in that House, speak out, and say whether the priesthood in that country were such as Sir R. Peel had hoped to see spring up, and intended to support, or whether the exact reverse was not the case; and tell the House, as they must if they spoke the truth, that the anticipations of that Statesman had been miserably disappointed—let them candidly state that in their opinion no contract exists which it was in the slightest degree binding upon the Legislature to maintain. He should, while upon that point, call the attention of the House to the words of a high living authority—he meant the noble Lord the Member for London. That noble Lord had, on the 3rd of April 1845, the same day upon which Sir R. Peel had made use of the words which he had just quoted, observed, in reference to the proposed grant—

> "I do not mean to argue, as has been done by other hon. Gentlemen, the question of compact, or whether it would be wise or prudent after fifty years, during which this grant has been made, to stop suddenly, and to declare that you will advance no further sums from the public purse for the purpose of educating the priests of the Roman Catholic religion. But, at the same time, I will say that if you found you were doing that which was mischievous to the community, and that the religious scruples of the community would not allow of the continuance of this grant, or with reference to civil and political reasons, you found that those you meant to be the teachers of religion had become the leaders and conductors of rebellion—if, I say, you found for any of these causes that there was ground sufficient to refuse this grant, then I can see no valid reason why any compact should restrain you, or why, upon strong grounds of this kind, the House would not be justified in declaring that it would give no further allowance."—[3 *Hansard*, lxxix. 91.]

Such was the declaration of the noble Lord the Member for London; and he (Mr. Spooner) would ask those who possessed an intimate knowledge of Ireland, whether they dared get up and say that the priests educated at Maynooth were not the "leaders of rebellion"—that they were not doing all they could to subvert society and loosen the ties which bound man to man. If the answer to that question was in the affirmative, as it must be, then was Parliament no longer bound to continue the grant;—nay, more, it became their solemn duty to refuse its payment from that moment. He was sure that the priesthood educated at Maynooth were not clear of the charge which the noble Lord the Member for London made against them;—he wished he could be as sure that the Government would, in the true Protestant spirit, throw themselves upon the country with regard to this question. The echo of the country would undoubtedly satisfy them that they need not fear the pressure of Gentlemen below the gangway, but might act determinately, as they ought to do, for the preservation of the constitution in Church and State. He would trouble the House with an extract from an authority which no one upon the other side of the House would repudiate. He referred to the historian of the day, who, writing unshackled from party views, had portrayed in vivid colours the results of Popery all over the world, as compared with Protestantism. Mr. Macaulay stated that—

> "From the time the barbarians from the north had overrun the western empire until the revival of letters, the influence of the Church of Rome had been favourable to science and civilisation, but that during the last three centuries its effect had been to stunt the human mind, to sink the most fertile provinces of Europe into a state of barrenness and slavery, and to cast over their inhabitants a species of intellectual torpor, while the influence of Protestantism had tended to turn into gardens countries proverbial for their sterility, to foster free institutions, and to promote intellectual advancement."

That was the opinion of a man who did not speak from mere impulse, who could not be accused of entertaining feelings hostile to his fellow-subjects upon the score of religion, and who could discern clearly the causes of national greatness or decay. There was, however, another right hon. Gentleman to whose writings he might also refer in support of his view of the question before the House—he alluded to his right hon. Friend the Member for the University of Oxford. In the work of his right hon. Friend, entitled *The State in its Relations with the Church,* occurred the following passage:—

> "The support of the College of Maynooth was originally undertaken by the Protestant Parliament of Ireland in the anticipation, which has since proved miserably fallacious, that a more loyal class of priests would be produced by a home education than by a foreign one, and that a gradual mitigation in the features of Irish Romanism would be produced when her Ministers were no longer familiarised with its condition in continental countries where it remains the religion of the State. Instead of which, it has been found that the facility for education at home, has opened the priesthood to a lower and less cultivated class, and one more liable to the influence of secondary motives. It can hardly be denied that this is a well-merited disappointment. If the State gives anything of pecuniary support, it should in consistency give everything. Unless it is bound in conscience to maintain the national Church as God's appointed vehicle of religious truth, it should adopt as its rule the numbers and the needs of the several classes of religionists; and in either aspect the claim of the Roman Catholics is infinitely the strongest. In amount this grant is niggardly and unworthy."

[*Hear, hear,* from the Roman Catholic Members.] Hon. Members should not cheer so soon.

> "In principle it is wholly vicious, and it will be a thorn in the side of the State of these countries so long as it is continued."

In these days of limited and unlimited liability it was not, perhaps, to be wondered at, that the right hon. Gentleman opposite (the Chancellor of the Exchequer) should indulge in an unlimited amount of repose—[*Loud laughter*]. But he should beg to call the right hon. Gentleman's attention to the extract which he was quoting. It proceeded as follows:—

> "When foreigners express their astonishment at finding that we support in Ireland the church of a small minority, we may tell them that we support it on the high ground of conscientious necessity for its truth; but how should we blush at the same time to support an institution whose avowed and legitimate purpose it is constantly to denounce that truth as falsehood! If, indeed, our faith be pledged to the College, by all means let us acquit ourselves of the obligation; but it is monstrous that we should be the voluntary feeders of an establishment which exhibits at once our jealous parsimony, our lax principles, and our erroneous calculations."

Now, he would ask with confidence, whether events had not proved the views of his right hon. Friend the Member for the University of Oxford to be correct, and whether the influence of the Irish priesthood had not been used in a manner which clearly showed the calculations of the authors of the measure of 1845 to be erroneous. In making those remarks it must be borne in mind that his observations were founded on the accounts of what took place in Ireland, and not upon the conduct of the Roman Catholic gentry in this country. They, indeed, were a different class from some of their brethren on the other side of the Channel; and, being well acquainted with many of them, he could state that they strongly disapproved in many instances of the acts of the Irish priesthood. There were in Ireland, too, he was informed, gentlemen of the Roman Catholic persuasion who entertained similar feelings, and equally condemned the conduct of the priests. To endeavour to conciliate the priesthood of that country, men whose principles—if, indeed, they had any principles—would not permit them to be conciliated, was too vain and futile. He would tell the noble Lord at the head of the Government to his face that an insult had been offered to the Protestant gentry of Ireland by circumstances which had lately taken place; and he trusted the noble Lord, instead of yielding to the influence of hon. Members below the gangway, would boldly announce his resolve to stand by true Protestant principles, and to uphold unimpaired our Protestant Constitution. If the noble Lord were to take that course, then would he have the voice of the country in his favour, and seize the opportunity of becoming one of the most popular of English statesmen. For his own part, in dealing with the question of Maynooth as he had done, he had simply acted in accordance with his honest convictions; and although he might not obtain that support from some of those hon. Members sitting on the benches behind him which he was entitled to expect, yet to those convictions he must, until he saw good reason to abandon them, continue to adhere. The existence of party he deemed to be essential to the attainment of important objects, and he should therefore support his party so far as he could do so without forfeiting principle; but so long as he had the honour of holding a seat in that House, he should, laying aside all party considerations, never cease to raise his voice against that system of submission to Popery which he believed to be unworthy of the State and injurious to the best interests of the nation. He had no ambition to gratify, in pursuing this great question. His age limited his ambition; and his only object was, to perform his bounden duty to himself, his country, and his God. The hon. Member concluded by submitting his Motion to the House.

Motion made, and Question proposed—

> "That this House do resolve itself into a Committee for the purpose of considering the Acts for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

MAJOR BRUCE seconded the Resolution.

MR. F. M'CANN said, the hon. Member for North Warwickshire had spoken disrespectfully of the consequences and effects of the teaching at Maynooth. Now, he (Mr. M'Cann) wished to know what would have been the consequence at Inkerman, if the Roman Catholic soldiers, who had been taught by those priests whom he had so reviled, had not done their duty? Why, it would have been a much more disastrous thing than it was, and no doubt would have resulted in Sebastopol remaining in the hands of Russia. He felt certain, the hon. Gentleman did not mean to insinuate by his speech that we Catholics were disloyal, but as it might be inferred from what he had said, he (Mr. M'Cann) begged to inform the House that the Catholics of Ireland, who had been taught by the priests educated at Maynooth, had shown during the late war their loyalty by the blood they had shed, and the courage they had displayed on the battle-field; and the Irish Roman Catholic Members of that House had given as hearty a support to Her Majesty's Ministers in carrying on this war, as had the representatives of any other portion of the Empire.

MR. BLACK rose to move as an Amendment, the addition to the original Motion of the words—"and at the same time to take into consideration the other Parliamentary grants made to religious denominations in Ireland." The hon. Member said that as the original Motion had only reference to one of the grants for religious purposes, the Amendment of which he had given notice, was limited to the same objects, and was not proposed with any view of interfering with the Established Church of Ireland: but before he proceeded to give his reasons for proposing it, he would state to the House the amounts that were granted by Parliament to the several religious denominations in Ireland. In 1853 a grant of £33,981 had been made to the members of the Presbyterian Church, holding the principles of the Church of Scotland; a grant of £2,226 to the Remonstrant Synod of Ulster, of the Arian, or Unitarian faith; of £937 to the United Presbytery or Synod of Munster, also holding Arian views; and of £900 to the Presbytery of Antrim, also holding Unitarian views. Those four sects comprised about one-tenth of the population of Ireland, and received in the shape of grants a sum amounting in the total to £38,044 a year. In the same year the Roman Catholics received £26,360 for Maynooth College, and the revenues of the Established Church amounted to about £700,000 per annum, the adherents of which not comprising one-seventh part of the population. Now if the relative number of the various sects who enjoyed those grants were taken into account, the injustice of the distribution of the money of the State in their regard would, he thought, be rendered perfectly evident. It appeared from a report which had, in the year 1834 been issued by the Commissioners appointed to inquire into the subject of Public Instruction that the number of the members of the Established Church was $10\frac{3}{4}$ per cent; of the Roman Catholic Church, 81 per cent; of the Presbyterians, 8 per cent; and of other classes of Dissenters, $\frac{1}{4}$ per cent of the entire population of Ireland. Since that Report had been issued, however, the population had, owing to the famine of 1846-47, and the consequent emigration, been greatly decreased, and that decrease had operated principally in the case of the Roman Catholic portion of the community; so that the proportion between the numbers of the various religious sects had undergone considerable alteration. That proportion now was as follows:—Members of the Established Church, 13 per cent; Roman Catholics 77 per cent; and Presbyterians, &c., 10 per cent of the whole of the inhabitants. Now, the public money annually expended upon all those religious sects amounted to £764,404, and that sum being divided among the different families of those several sects would entitle each family connected with the Established Church to £5 8*s.*; each Presbyterian family to 6*s.* 11*d.*; and each Roman Catholic family to only 8¾*d.* per annum. No one could say that on the principle of essential justice this was a fair apportionment of money taken from the common stock to be divided among the different sects in Ireland. If it was objected to give money for the support of the Roman Catholic establishment at Maynooth, might not the Roman Catholics object with equal reason to give sums for the support of Presbyterianism and the Established Church? The general fund from which all these grants were taken was contributed to by all sects and parties, and there was not a person who smoked a pipe or took a cup of tea who did not give his portion towards that general fund; and yet it was the very persons who received the proportions of 6*s.* 11*d.* and £5 8*s.* per family, in the way of religious endowment, who complained of the small sum of 8¾*d.* per family voted to the sect which composed the body of the people. He had sometimes seen Mahomedans and Hindoos sitting under the gallery of the House and listening to the debates, and he could easily conceive that if one of these were listening to such a debate as the present, and were to ask, "what is it all about," and were told that it was only the Christians quarrelling among themselves as to the amount of money each sect should receive from the common funds for the support of their religion, and that those who received a grant of £5 8*s.* per family were endeavouring to withdraw the grant from those who are receiving 8¾*d.* per family, he would be apt to say, "You must be in a mistake, it must be those who are getting only the small pittance, who are insisting on an equitable division. It appeared to him that Maynooth had a stronger claim to its endowment, on the ground of contract or statutory provision, than had the Presbyterians to their grants, which only proceeded, as far as he was aware, from the mere voluntary benevolence of the country; whereas, with regard to the grant to Maynooth there was an honourable understanding at the time of the Union; and, finally, the endowment was sanctioned and confirmed by the memorable Act of Sir Robert Peel. He did not mean to argue that one Act of Parliament might not repeal what had been done by another; all he contended for was, that if a selection of a grant for withdrawal was to be made, the grant to Maynooth had a higher claim to be retained both in consequence of the contracts which had taken place with respect to it, and in the essential justice in which it is founded. As far as he was aware, the strongest objections to the endowment of Maynooth were based on the consideration that Romanism was unfavourable to civil liberty, and secondly, that Protestants ought not to be called upon to support what they regarded as a false religion. With regard to the first of these opinions, he must candidly acknowledge that, as far as he had been able to see, Romanism had not been favourable to civil liberty, for such of the monarchs of our country as had acted despotically had generally found aid in the Roman Catholic religion; and in those countries where Romanism was in the ascendancy the rod of oppression fell heaviest on the people. Wishing to state the case honestly, he would tell the Irish Roman Catholics that if, instead of agitating for impracticable objects, they would get up a monster meeting and pass Resolutions against intolerance and persecution wherever they might be found, and if they would endeavour to get their hierarchy to use their influence for the establishment of religious liberty in those countries in which the Roman Catholic religion prevailed, they would do more to disarm the opposition of Protestants than they could do by any amount of indignant remonstrances. But he believed that the great objection to the grant to Maynooth, and that which weighed most on the minds of the petitioners against it, was, that it was directed to the maintenance of a religion which they regarded as heretical, a religion which they say is dishonouring to God, and dangerous to the souls of men. This appeared to be at the bottom of nearly all the opposition to the grant. But as Roman Catholics consider Protestantism heretical and dangerous to the souls of men, the same objection would in their minds apply to a grant in favour of Presbyterianism; and, indeed, he believed that some Protestant Episcopalians regarded Presbyterianism as little better, if not worse, than Romanism. The grounds on which this grant is opposed are the very grounds on which the Inquisition lighted the fires of the *auto da fé.* The Inquisition, no doubt, carried persecution to its extreme limits; but whatever stigmatises, or degrades, or inflicts injustice on account of religious faith, is persecution, though in a smaller degree, and he was persuaded that there was only one way for putting down a religion by persecution, and that was by a stern unrelenting extermination such as that which had suppressed Protestantism in Spain, in Portugal, and in Italy. Where persecution stopped short of that degree, so far from putting down a religion, it only promoted it. What was the reason that Episcopalianism was the prevailing creed in England—Presbyterianism the prevailing creed in Scotland, and Romanism the prevailing creed in Ireland? It was because Episcopacy had been persecuted in England, Presbyterianism in Scotland, and Romanism in Ireland, without having been persecuted to extermination, and if they were to repeal this grant to Maynooth, so far from weakening Romanism in Ireland, they would only strengthen it; they might then send their missionaries, and their thousands of Bibles and tons of tracts, but the hearts of Catholics would be barred against the reception of Protestant truth. He wished to ask the House whether they would in this instance act on the principle of political justice, or on the principle of persecution; for he held it would be persecution to use their power for the purpose of raising one sect and depressing another. He for one was prepared to do justice to all, and he believed that his views were strictly consistent with the principles of Protestantism. He had heard a good deal in this House about this being a Protestant country and a Protestant Parliament; but what was to be understood by those phrases? Was it not just this, that the great bulk of the people of this country and the great bulk of the Legislature were Protestants? But he could not help doubting if they really were so, because Protestantism, so far as he understood it, consisted in allowing every man a right to exercise his own private judgment in the matter of religion, without suffering, personally or politically, on account of it; and whoever resorts to measures of coercion of any kind to advance one sect and depress another has denied the Protestant faith, and is worse than an infidel. In conclusion, he had to thank the House for the indulgence with which they had listened to him upon that occasion. He had been unwilling to let the opportunity pass of frankly expressing his sentiments upon a subject in reference to which he had himself had to run the gauntlet through much prejudice and misunderstanding.

Amendment proposed, at the end of the Question to add the words, "and at the same time to take into consideration the other Parliamentary Grants made to Religious Denominations in Ireland."

VISCOUNT CASTLEROSSE said, he rose to enter his protest against the course which the hon. Member for North Warwickshire (Mr. Spooner) thought it his duty to pursue on this question. The hon. Gentleman had sought to convert the British House of Commons into an arena for discussions only calculated to excite angry sectarian strife and polemical passion, and had sought to make his own intolerant opinions the rule which should guide the deliberations of the most enlightened assembly in the world. The sum total of the hon. Gentleman's objections to Maynooth was simply this, that he considered it a national sin for a Protestant State to support and countenance an institution which taught the Roman Catholic religion. It was really painful to argue with one who unfortunately permitted prejudice and bigotry so completely to obscure his reason. That objection, as well as all the old absurd stories and accusations against the Roman Catholic religion, which he delighted to rehash up every Session, had been so often and so thoroughly refuted upon former occasions, that it would be a mere waste of the time of the House to attempt to refute them again. But he would put this question to the hon. Gentleman, and it was one that, as a true and conscientious Protestant, he was bound to answer. He would ask him, what right had he to constitute himself a judge of what was religious truth and what was religious error? Should he, who gloried in the right of private judgment, take upon himself to condemn the religion, not only of many millions of Her Majesty's most loyal and most faithful subjects, but the religion of a large majority of the Christian world? But what did the hon. Gentleman propose to do? Why, completely to take away from the Roman Catholics of Ireland that institution which had not only been a matter of compact at the time of the Union, but, which had been maintained by every successive Parliament from that time to this. What said Mr. Perceval in the year 1812? He said he supported the grant as it stood, because it was one of those which the Parliament of Ireland had thought it wise to preserve at the time of the Union—because he found it in fact handed over to England as part of the Union. And did the hon. Gentleman the Member for North Warwickshire really wish that House to take such an ungenerous advantage of the power transferred to it at the period of the Union as to break through a compact which had then been so solemnly made? But, again, he said it was useless to argue that question. The hon. Gentleman was so blinded by prejudice, that it was useless to bring before him facts which no unprejudiced man would attempt to deny. There was one other observation he had to address to the hon. Gentleman, and he certainly would not address it to him by way of offence. He would ask him to ponder and weigh well, whether the course he was at present pursuing—supposing his Motion to be successful—was one calculated to uphold and strengthen the Protestant Church in Ireland. There a wealthy minority possessed the whole of the religious endowments of the country; the most eminent statesmen had in the most emphatic terms condemned that establishment; and although the grant for the education of those who were really the priests of the Irish people presented so paltry an appearance in comparison with the vast revenues of that Establishment, that grant was not only grudged, but denounced as a national sin. He felt convinced, that if the House would bear in mind how the wealth devoted to the purposes of religion in Ireland had been taken from the Catholic Church—the Church of the people of Ireland—and transferred to the Established Church, they would never be parties to such a crying act of injustice and breach of faith as the adoption of the Motion then before them would involve.

VISCOUNT BERNARD said, he felt bound to deny the accuracy of the statement of his noble Friend who had preceded him, that the maintenance of the grant to Maynooth had been in any way guaranteed at the period of the passing of the Act of Union; and even if there had been any such compact, it would have expired twenty years ago. The Act of 1795 simply gave power to the Roman Catholics to institute a college for the instruction of their priesthood in order to avoid the necessity of their being sent abroad—and the compact at the time of the Union was, that all grants usually paid by Parliament should be continued for twenty years. But the maintenance of the Protestant grants for education, on the other hand, had been expressly provided for in the Act in question, and had become one of its essential conditions. He believed the Protestants of Ireland were at present subjected to a gross injustice; for while they had to contribute to the endowment of Maynooth, they were themselves unable to obtain the assistance of the State for the education of their children unless they abandoned their conscientious opinions. And even under the system of national education in Ireland, supported as it was by the public money, it was not merely the ordinary kinds of instruction that were given, but the children in the convent schools were employed in work which ministered exclusively to the splendid performance of the Roman Catholic rites and ceremonies. The following passage from a Report of one of the School Inspectors would show how the public money was in some cases administered:—

> "EMBROIDERING IN GOLD.—Besides the industrial branches already mentioned, embroidering in gold has been lately introduced here. This is a species of female industry that is, I believe, solely confined, in this country, to this institution. It consists in working the rich altar and pulpit robes, and ornaments used in the services of the Roman Catholic Church. The ladies showed me a most superb canopy, composed of white satin and gold, which they were working per the order of the Rev. Dr. Spratt. The design and execution of this piece of art appeared of surpassing excellence, and confers the highest credit upon those by whose taste and industry it was produced. At present these articles are only obtained from France, and that at prices very high indeed: but the ladies of this convent, animated with the generous desire of benefiting their poorer countrywomen, have now introduced this work into Ireland, where, should it succeed, it will be the means of keeping large sums of money in the country, which otherwise must be expended in a foreign land. Thus this experiment, even in a commercial point of view, is of considerable importance, independent of the benefits it will afford in the cultivation of native industry and talent. I have, in common with many others, seen, from time to time, some fine imported specimens of the work in question, but none of which, in my mind, come up to the beauty, taste, and high finish which characterise the various elegant articles manufactured in this institution."

The great argument advanced in favour of Sir Robert Peel's measure was, that it would improve the priesthood of Ireland, and that for the future they would be men who would endeavour to infuse a better spirit into the Roman Catholic population of Ireland. Had those anticipations been realised, he would ask? Since the passing of the Act of 1844, the circumstances of Ireland had very much changed. The taxation of the two countries had been very much equalised. Ireland now paid taxes from which she was formerly exempt, and the Protestants of Ireland, therefore, now contributed towards this grant. Against this, as the representative of an Irish Protestant constituency, he protested. The population of that country had been reduced by nearly one-third, and the college of Maynooth, instead of being confined to the training of Roman Catholic priests to meet the wants of Ireland only, had been converted into a nursery for recruiting the clerical ranks of that Church throughout the whole British empire. That was scarcely consistent with the purposes of this endowment, the more especially as the Roman Catholic body, by means of its "Society for the Propagation of the Faith," had other funds at its command for supporting its own missions throughout the world. From the following evidence, however, given by the Rev. Mr. Moriarty, it would be seen that clergymen who had been educated at Maynooth were sent out as bishops and as missionaries to India and to other distant countries:—

> "There are some bishops of the Roman Catholic Church at present, are there not, in the East Indies, who have been students at Maynooth?—Yes, three.
>
> "Will you mention their names?—Dr. Carew, archbishop in Calcutta; Dr. Fenelly, bishop in Madras; and Dr. Murphy, bishop in Hyderabad.
>
> "Are you aware whether there are any other bishops in Her Majesty's foreign possessions who have been students from Maynooth?—Dr. Murphy, who is Bishop of Adelaide, in South Australia; Dr. Smith, the late Archbishop of Port of Spain, Trinidad, was educated at Maynooth, but as an extern; he was educated, I believe, as an extern, because being avowedly intended for the foreign missions, he would not be admitted as a member of the college. He was allowed to lodge in the town of Maynooth, and to attend the lectures. That was the only instance that I know of an extern student having been educated at Maynooth. He died about two years ago.
>
> "At page 160 of Appendix to Report, the names are given of twenty-four priets educated at Maynooth, and now in England.
>
> "Had they, any of them, gone out from Maynooth prior to their appointment?—The Bishop of Hyderabad went out as a priest from Maynooth; the Archbishop of Calcutta and the Bishop of Madras went out as bishops from Maynooth.
>
> "From this country, you mean, do you not, not from Maynooth?—No; I mean from Maynooth. One was a professor of theology in Maynooth when he accepted the appointment, and another was a bursar.
>
> "Is it within your knowledge that any of the Roman Catholic clergy, having cures in Ireland, have gone out with emigrants from this country to the United States?—I know that numbers within the last seven or eight years, having cures in Ireland, have gone to America in consequence of the emigration of their people."

It was said that if the House were to agree to that Motion, they would be taking a step dangerous to the permanence of the Established Church in Ireland. But that Church stood upon too strong a foundation to need the aid to be derived from the false tranquillity which might be secured by a continuance of the Maynooth grant. The fact was, that Protestantism was steadily making way, and Roman Catholicism was losing ground in Ireland; and it was well known that that creed was losing ground still more in the United States of America, under the influence of a system of greater religious freedom, for it was grievously complained by the Roman Catholic authorities in Ireland that large numbers of Roman Catholic emigrants were constantly renouncing its communion when they arrived on the other side of the Atlantic, and numbers of the clergy of that Church had left their cures in Ireland and had gone to America in consequence of the emigration of a large portion of their flocks. In the United States the Roman Catholic bishop of Charleston had declared that there were 1,800,000 people in America who did not belong to the Roman Catholic Church, and who must have belonged to it if they had followed the faith of their forefathers. The hon. Member for North Warwickshire had ably dealt with the doctrines taught at the college of Maynooth, and certainly the tendency of the education there was to spread discord among all classes of the community in Ireland. The clergy educated in that establishment had never shown any disposition to bring the members of different sects in that country amicably together, but, on the contrary, had constantly endeavoured to separate Roman Catholics as a class from Protestants as a class. Throughout the whole course they had pursued, they reminded him but too well of the language of the Roman satirist:—

> "———— Accipe nostro
> Dira quòd exemplum feritas produxerit ævo.
> Inter finitimos vetus atque antiqua simultas,
> Immortale odium, et nunquam sanabile vulnus
> Ardet adhuc Ombos et Tentyra. Summus utrinque
> Inde furor vulgo, quòd Numina vicinorum
> Odit uterque locus; cùm solos credat habendos
> Esse Deos, quos ipse colit."

He was well aware of the difficulty which the hon. Gentleman the Member for North Warwickshire must encounter in pressing that question on the attention of Parliament, while a single Member would be prepared, perhaps, to occupy the House for a whole evening; but whatever might be the fate of the Motion in that House, it must be borne in mind that the public out of doors had long come to a deliberate decision upon it. He had no hesitation in saying that the feeling of the people of England was that this great Sebastopol of the Church of Rome must be erased, and no longer be allowed to remain a standing menace to the Protestantism of England.

MR. FAGAN said, he would appeal to the diligent manner in which the noble Lord who last sat down had refreshed his recollection of Ireland as a proof that his speech was a well-prepared oration and not that impromptu effort of patriotic Protestantism for which he had wished it to pass. He (Mr. Fagan) did not wish to advocate the continuance of the grant to Maynooth on the ground of an ancient contract. The noble Lord had contended for the repeal of the grant on the ground that he represented a Protestant constituency, who considered that, as both countries were now taxed in the same proportion, and as the money paid out of the Consolidated Fund was drawn equally from the pockets of the English and Irish people, it was unjust and unfair that they should contribute anything towards the maintenance of Maynooth. He (Mr. Fagan) denied that any favour whatever was conceded to the Catholics of Ireland in this grant, for it was nothing but a miserable and contemptible tithe of restitution for the property taken from them and handed over to the Protestants. Did the noble Lord deny that the property taken from the Roman Catholics of Ireland amounted to £700,000 a year? Did he not know that the Church Establishment in Ireland was very different to that of England—that in England, when the Protestant religion was established by force of law, the great majority of the people went over to the new religion, and the property of the Church was fairly and properly transferred to them; but that, in Ireland, the people refused to forsake the old faith, and that, in consequence, their property was wrested from them by violence, and given to the Protestants? The noble Lord had asserted that the College of Maynooth was devoted to the purpose of educating persons for the Roman Catholic priesthood who were not intended to afford religious instruction to the people of Ireland, but to propagate their faith in other countries—but he (Mr. Fagan) would assert that there was no foundation whatever for the libellous attack of the noble Lord upon the Roman Catholic priesthood of Ireland beyond his own strong prejudices and excited imagination, and he was unable to adduce any proof in support of his allegations. He must say that, while he was ready to admire the consistency of the hon. Member for North Warwickshire (Mr. Spooner) on this subject, he regretted that he had chosen such a moment to agitate the question. We had just brought a great war to a termination. Catholic France, Catholic Austria, and Catholic Sardinia, Protestant England, and Protestant Prussia had shaken hands with orthodox Russia, and all had agreed to forget their feuds. And yet this was the moment which the hon. Gentleman chose to rake up religious discord and sow disunion not only between Catholics and Protestants in England and Ireland, but in other countries also; for it was not to be supposed that the effect of these Motions was to be confined to England alone. He well knew what was the feeling among our brave and faithful allies, the people of France; and those who supported this Motion were greatly mistaken if they supposed that the people of France were not deeply sensible of this annual insult which was offered to their religion by the continual agitation of this subject. The Catholic army of France, who fought with us at Alma, who came so bravely to the rescue of our Guards at Inkerman, and who helped by us to storm the defences of Sebastopol, keenly felt the insults and reproaches which were cast upon their religion in the debates upon Maynooth. But the Catholic religion had borne oppression for eighteen centuries wirhout dismay. Its believers were, in spite of all opposition, increasing in numbers every day; and amid all phases of persecution it had presented a front which justified its motto, *Esto perpetua.* It was the religion of 200,000,000 of the human race. It was extending itself to the furthest limits of civilisation—though old it was still young; and he believed that, in the eloquent language of the great modern historian, it would "exist in undiminished vigour, when some traveller from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's." He had this faith in its vitality, bacause he was persuaded that any man who believed in its doctrines, and adhered to its ordinances, must be a good Christian and a loyal subject. He should like to know on what grounds of justice the voluntaries combined with the hon.

Member for the abolition of the Maynooth Grant. He (Mr. Fagan) professed himself as much in favour of the voluntary principle as any one; he believed it to be a high and noble feeling which associated men together for the purpose of teaching themselves and others their duty to God; but he firmly believed, and would always maintain, that the voluntary principle could not be carried out in Ireland. That country stood in a different position to England. In England there existed a wealthy middle class dissenting from the Established Church—such, for instance, as the Methodists, who, some years since, subscribed between £100,000 and £200,000 for the purposes of their own religion. In Ireland the spectacle presented itself of a Church establishment of some £500,000 or £600,000 a year for the benefit of a rich class, and with which the great mass of the poor had nothing in common and were left to shift for themselves. The voluntary principle in Ireland was incapable of maintaining a sufficient number of Roman Catholic clergymen in Ireland for the religious instruction of the people; and if Protestants could not convert the people of Ireland to their own religion, it was their bounden duty to assist them in the acquirement of those high moral doctrines which no one denied to the Roman Catholic faith, and which were adequate to the repression of the frightful crimes that sometimes disgraced that country. With respect to the emigration from Ireland of some of the Roman Catholic clergy educated at Maynooth, he would admit the truth of the statement, but he could also testify that it had been absolute poverty which had driven many of them to seek the means of existence abroad. As regarded the civil obligations, and the essential duties of man, there was not any difference between the teaching of the Roman Catholics and the doctrines upheld by hon. Members opposite, and it was the duty of that House to give to the Roman Catholic clergy every opportunity of teaching the people the great principles of social order. The Members of that House, viewing the question as politicians and statesmen, would not be justified in opposing the grant. The hon. Member concluded by expressing his entire disapproval of the irritating discussion annually held on the Maynooth question, and he trusted that whatever might be the result of the division, it would for ever terminate the subject, and that all parties, forgetting their theological differences, would combine in advancing the material and moral welfare of the Kingdom. He would vote against the Motion.

MR. WILKINSON, who rose amid cries for a division, said, he did not rise for the purpose of making a speech, because he had a great dislike to public discussions on the subject of religion. He was no admirer of the Roman Catholic religion, but as long as the Established Church in Ireland was kept up in its present form, he could not vote against the grant. He should, however, support the Amendment of the hon. Member for Edinburgh.

MR. KENNEDY said, that the College of Maynooth had been charged with educating persons on principles hostile to the interests of the country and of the Government. If, however, the grant to Maynooth were to be withdrawn, he was desirous that the promoters of that proceeding should base their opposition to it upon true grounds, and not upon false premises. An inquiry had been made into the educational system pursued at Maynooth, and Maynooth had been acquitted of the charge. Had the Motion been brought forward on the ground that the Roman Catholic clergy efficiently discharged their duties, or in consequence of the number of persons who, since the agitation of the question, had passed from the Protestant to the Roman Catholic Church, he (Mr. T. Kennedy) could understand the grounds of the Motion, but he could not do so upon those urged by the hon. Mover. He held in his hand a list of persons who, in the period between January 1849 and 1855, had abandoned the religion supported by this country, and passed to that of the Roman Catholic Church. That list included the names of three duchesses, one marchioness, two countesses, four viscountesses, eight right hon. ladies, one right hon. earl, three right hon. viscounts, five right hon. lords, one right hon. baron, four right reverends, one right hon. knight, five honourables, five hon. mistresses, one hon. miss, ten baronets, two venerable archdeacons, one very rev. divine, eighty-five reverends, six Members of Parliament, and 272 gentry of distinction. He thought a greater degree of charity might be extended to a religion to which so many persons became associated, in consequence of the investigation of truth. Whatever opinion the House might express upon the Motion before it, one of three principles must exist with reference to the Roman Catholics of Ireland; priests must either be educated at Maynooth, or abroad, or, worse than either, not at all. Hon. Members had their choice between the first two alternatives, or absolute infidelity owing to the absence of all religion. The number of the Roman Catholic teachers who sustained the system of State education was 4,690, whilst that of the Protestant teachers was but 341. Yet these Roman Catholic teachers must, in some way, be religiously educated, and how were they to provide for that if they took away the means? This was a question which he based upon its connection with education, and he would ask whether it was better to teach those who were to instruct the people, or to leave them to pick up their education as they might? On that ground he would oppose the Motion of the hon. Gentleman.

MR. DE VERE did not wish to trespass on the House, but he desired to call the attention of the House to the inconsistency of the hon. Member for North Warwickshire, who having expressed a wish for an early division, and admitted that the question had been so thrashed as to preclude the possibility of an original observation upon it, did not reduce his principles to practice by making his Motion and at once resuming his seat, but dashed into the wide field of speculative theology, took a fling at the priests, denounced auricular confession, criticised the writings of Mr. Macaulay, and glanced at half-a-dozen topics besides, all of which he touched with that light and airy gracefulness which was the enchanting characteristic of his oratory. Nor did he stop there. He made assertions, which could only be met with denials equally authoritative. He made one assertion which the hon. Member for Abingdon (Sir F. Thesiger) had ventured to make on a former occasion, namely, that Roman Catholics were opposed to the Protestant succession, and disposed to sanction a return to a Catholic Sovereign. That statement involved a question of fact which could only be met by a simple and unqualified denial; it was manifestly and entirely untrue. The hon. Gentleman opposed the grant on the ground that the religion taught at Maynooth was inconsistent with good government, sound faith, and Christian morality. That was the hon. Gentleman's opinion, which he was of course at liberty to hold, but was a great national institution to be disendowed simply because the hon. Gentleman entertained a theological hatred for the religious opinions of his Roman Catholic fellow-subjects? He (Mr. De Vere) did not think the House was prepared to endorse such principles. If the State withdrew this grant, the Catholics of Ireland, poor as they were, would make every sacrifice to educate the members of their Church for theological purposes. They would look to the east and west for aid. They would appeal to the sympathy of Catholic powers abroad, and they would organise all the necessary means of raising a tribute from Ireland for the education of their clergy. He would remind the House that a large sum could not be raised from an impoverished people without agitation, and he would ask them whether they were prepared to renew a system of agitation in Ireland of which they had seen the effects before? He was sure the House would not accede to the Motion of the hon. Gentleman. They were bound by every consideration of policy, of justice, and of gratitude not to do so. With regard to the Amendment of the hon. Member for Edinburgh (Mr. Black), which proposed to take away the Parliamentary grants from other denominations as a compensation for the loss of the Maynooth endowment, he could only say that if the Established Church was left untouched the Roman Catholic would not consider the withdrawal of these grants a compensation. He warned the House that if they acceded to the Motion they would renew a system of agitation of which it would not be easy to foretell the end.

MR. DRUMMOND: Sir, the House is indebted to the hon. Member (Mr. Spooner) for bringing forward this subject, whatever may become of his Motion; and it does not matter much whether it fails or whether it succeeds. It is of importance that the subject should be discussed. I am afraid, however, that the hon. Member will not consider that I am serving his cause when I say that on the religious part of the question I quite differ from the views he has enunciated. It would be a great grief to me if I thought that would ever take place which some persons seem to consider a consummation most devoutly to be wished—namely, that the Irish people should, by giving up their religion, come to be of no religion at all, as they do in America. I do not think that the Irish when they emigrate to England are any the better, simply because they lose their religion, and in America they are certainly the worse for it. But, Sir, I do not think that the theological part of the question is that with which the House is competent to deal. The only part of it which is worth their consideration is the moral teaching of a set of Gentlemen whom, for the sake of brevity, I will call Popish priests. If their teaching is immoral, it is a question whether it is worth our while to pay men for teaching it. The hon. Member who has just sat down says that if the Irish clergy are not educated here they will go abroad. No doubt. But then we shall not pay for it, and that will make all the difference. Now, it is not what my opinion is, nor what is the opinion of any Protestants, of the doctrines which the Church of Rome has now come under. What has been the opinion of Catholic States—nay, what has been the opinions of the Popes upon this teaching? For, I suppose that no Gentleman in this House—whatever the priests may say out of it—fancies for a moment that the Popes never alter their opinion. Why, Sir, it has been the universal opinion of Europe that these doctrines were incompatible with the well-being of States; and hence the teachers of such doctrines have been turned out of every country on the Continent. And now I am not going to quote Liguori, I have quoted him often enough before; but I will say, I wish that every Roman Catholic gentleman would carefully read Liguori—and, perhaps, indeed, as there is at the present day a great fit for examinations, it would be as well to make a rule that every Roman Catholic Member should be examined in his writings. He is the only writer of whom the Catholic Church has declared, *ex cathedra*, that he never wrote a word of error. What a blessed thing it must be to read six volumes of bad Latin in which there is not a word of error. Now, I am not going to read a word of Latin, good or bad; but I have got an English book here—a book published a few days ago for one penny—containing some choice *morceaux*. It is entitled *What every Christian should know*. Fancy that for a penny. Now, this is one of the things which "every Christian should know:" "It is a sin to mix something with what you sell." So I should think. The hon. Member for Birmingham (Mr. Scholefield), and others who are members of the Adulteration Committee, will agree in that. But what follows? "Except there is a common custom, and it is necessary for giving a reasonable profit." Why, we have heard of roguish grocers who mixed sand with their sugar; but I never heard that they did it from an abstract love of sand, but only to get a reasonable profit. But again, there is something in this litttle book about stealing—

> "It is a venial sin to steal a little (a pocket handkerchief, perhaps, might be considered 'little'), but it is a mortal sin to steal much. For example, a day's wages from a poor man. Far less will be mortal sin if taken from a poor man than from a rich man. If you steal from different persons and at different times it also makes a difference. And to steal a little a great many times may be a mortal sin."

Then there is something as to oaths)—

> "If you call God to witness that what you say is true, it is an oath; but if you do not know what you say is an oath, or do not mean to take an oath, it is not so."

So that the witness may draw the distinction in his own mind as to his intention. [Several MEMBERS: No, no! it does not mean that.] It does not mean that! Well, what does it mean, then? I have read the words. And will any one deny that this is what Liguori teaches—any one who has read him? I am sorry we have lost Mr. Lucas. He was a Roman Catholic who knew what his Church taught, and was not ashamed of it [Mr. BOWYER: hear, hear!] Hear, hear! Does the hon. Gentleman mean to say that such are not the doctrines of Liguori? Does he mean that I impose on the ignorance of the House? He knows how disagreeable it is to read bad Latin to the House, and I will not do it. These are the doctrines of the priests, and if they were acted upon it would be impossible to carry on the government of States, and the ultimate result must be that all human society must come to an end. But they are not acted on; for there is a principle of truth in all men, in Roman Catholics as well as in Protestants, which tells them that they are not to act upon them to please the priests. And it is upon that I rely—not upon what you call your "Protestant principles;" as if any one on earth knew what they were! They merely amount to this—men choosing their own opinions; which comes to this, men having their own way. If that is not a "Protestant principle" I do not know what is. And there is nothing in that Protestant principle that can stand against the Papacy, simply because in Papacy there is one fixed principle—its one aim and end is to bring all other religions under subjection, and it is not any of your Protestant sects that can stand against it. You have nothing to look to but the increase of civilisation and education and the honourable feelings common to all men. It is to this you have to look, and there is no danger from all the colleges whatever. They are what they have ever been. But the priests are not what they have been. Look at the oaths taken before the House of Lords at the time of Catholic emancipation. Did they not all say that if the Pope presumed to select a bishop not recommended by them they would not obey him? Well, what have we seen lately? Why the Pope appoints whomsoever he pleases. It is a pity, Sir, the Government will not do what I long ago called upon them to do—that is, to do in office what they talked about when out of office. I know well that it is hopeless to expect public men to do so. But the whole question of the two Churches in Ireland must be settled in some way or other ere long. I know not whether it will be by carrying this Vote or in any other way. But I believe that though it may be a triumph to carry it, and do away with the Maynooth grant, with that grant will go something else you do not want to go.

Mr. MEAGHER said, he referred the hon. Member for West Surrey to the votes of the Roman Catholic Members in that House. They had always been given in favour of civil and religious liberty. The hon. Member for North Warwickshire had gone over his old story again, and said he objected to the endowment because the teaching was idolatrous. The hon. Member ventured in his own human fallible opinion to attach the name of idolaters to millions of his fellow-creatures. He ventured to apply that name to our brave allies, and their sovereign the Emperor of France. He (Mr. Meagher) was surprised no Member of the Government had yet spoken. The endowment of Maynooth had been treated by Sir Robert Peel not as a boon to Ireland but as a measure of state policy. It was, therefore, not a question between the hon. Member for North Warwickshire and the Irish people, but one between him and the Government, and he would urge upon Parliament not to disturb the arrangement which had been made by that eminent statesman, unless better reasons were assigned for that step than had hitherto been given.

Mr. DEASY said, that the House were not now asked to endow the college of Maynooth—that had been done long ago, and successive administrations had supported the endowment. After a long lapse of time Parliament was now asked to reverse this policy, and to withdraw the grant. This, too, they were asked to do neither by the Government nor by the Opposition; for it was a very noticeable fact, that not one of the leading Members of the Opposition party were present to give the Motion his support, and the benches of the Treasury were equally empty. Those who agreed in nothing else, agreed in declining to support this Motion. This was a remarkable proof, that every man who had felt, or who thought himself likely to feel, the responsibility of a Minister refrained from connecting himself with this proposition. With such negative testimony against the Motion, the House, before adopting it, ought to require very cogent arguments in its favour. No such arguments had been adduced, but very exciting assertions had, indeed, been made. The most serious charge made by the hon. Gentleman against the education given at Maynooth was, that it was inconsistent with loyalty to the British Crown and attachment to the British constitution. Nothing in the Report of the Royal Commissioners supported these assertions; on the contrary, the Report of the Commissioners, and the evidence on which it was founded, instead of warranting, entirely disproved that charge. The hon. Gentleman (Mr. Spooner) had quoted the evidence of several witnesses, but he had not referred to that of Dr. Butler, a convert to Protestantism, who had been educated at Maynooth, and who had stated that the priests who were trained there were quite as loyal as those educated on the Continent, and had entirely contradicted the accusations as to the immoral tendency of their teachings. The practical result of the training given at this college was proved by the conduct of the priests on two different occasions, separated by an interval of half a century. In the Rebellion of 1798, which occurred before a single priest educated at Maynooth had entered on his mission, the priests were the leaders of the insurgents. But at a much more recent period, after two generations of clergy had issued from the college, a very different result had ensued, and the influence of the Roman Catholic clergy had put down the rebellion. That this was so he would appeal to the authority of Mr. Smith

O'Brien, who in a conversation with John Mitchell attributed his failure to the cowardly and treacherous conduct of the priests, who, he said, on two or three occasions, when the people seemed to be gathering in force, came whispering to the crowd till it melted away like the silent thaw of snow. That was a statement which no one could question or deny. Such had been the beneficial results of the policy of the Government in supporting the establishment of Maynooth, and yet they were told that that establishment was the hotbed of sedition. Had the Roman Catholics, whether clergy or laity, been deficient in their loyalty during the recent war? They had not been deficient in supplying their prayers, their persons, or their purses, to that struggle. At Alma, at Inkerman, and at Balaklava, thousands of Roman Catholic soldiers had bravely done their duty, while the Roman Catholic chaplains, attached to the Roman Catholic soldiery, had exhibited the bravery of soldiers and the courage of martyrs; and he would ask, was this to be their reward on returning to their native country? Were they to find Parliament engaged, not in considering how their valiant services might be duly appreciated, and what should be the meed bestowed upon them, but in these wretched disputes about the education of those Catholic clergy from whom those gallant men derived consolation in the hour of sickness and of danger? Whatever hon. Gentlemen might say of the errors and superstitions of the Church of Rome, she still had attractions sufficient to win back to her fold even such men as Schlegel, Newman, and Wilberforce. The hon. Member below the gangway (Mr. Drummond) said that the doctrine of the Catholic Church was inconsistent with public morality and Government. Did the great Napoleon think so? Did the present Emperor Napoleon think so? Had he not rather endeavourned to conciliate the support of the Roman Catholic Church and the influence of the Roman Catholic clergy? The hon. Member for Edinburgh (Mr. Black) said that the Church of Rome and its teaching were inconsistent with liberty. But was this borne out by historical truth? Look at constitutional and Catholic Belgium. There was no country in Europe in which constitutional liberty flourished with greater vigour and success, and that among an entirely Catholic people. See, again, what had taken place in Sardinia. While in Protestant States constitutional government had proved a failure. In Protestant Prussia the tree of liberty had, it was true, been planted, but it had borne no fruit; while in countries essentially Catholic, whenever constitutional government had been founded, it had prospered. The hon. Member for North Warwickshire had referred to what he was pleased to call Ultramontane doctrines. Now, that might be a very convenient phrase, but it was a very obscure one. There were two meanings attached to it. One class of Roman Catholic theologians ascribed the infallibility of the Church of Rome to the General Council, and the Pope at its head, while another class ascribed it to the Pope independently of the Council. He knew not in which of these two senses the hon. Gentleman used the word; but in whatever sense he used it, he would ask the hon. Gentleman what had he to do with the question? Protestants denied the existence of infallibility altogether. But, he would ask, was this a question worthy of the consideration of the House, or one which could by possibility be made to assume a political character? It was true that ultramontanism was an expression used in another sense, in which it ascribed temporal power and supremacy to the head of the Roman Catholic Church, and it was in that sense alone that the House had any right to deal with it. But he contended that all evidence negatived the charge that there was any teaching at Maynooth which inculcated any such doctrine. It was true that temporal power had been exercised by the Church of Rome in by-gone times, but it had been exercised with the consent of Western Europe. The present constitution of society afforded the best security against the exercise of such a power again. But when hon. Members talked of encroachments by the Roman Catholic Church on the temporal authority, he would ask whether there was no other Church which advanced pretensions to authority inconsistent with a due subordination to the temporal authority? When he was asked to look beyond the Channel, he would request hon. Gentlemen to look beyond the Tweed. Had not the Church of Scotland put forth pretensions to the exercise of temporal powers? He remembered Lord Melbourne once saying, in his place in the House of Lords, that in his opinion the Church of Scotland was as presumptuous as the Roman Catholic church any day. Yes! The presumption of the Church of Scotland had been found to be no obstacle to her advancement beyond the Tweed; while the presumption of the Church of Rome had been made the ground for withholding from her the small fragment of Government aid which in this establishment of Maynooth remained to her. The fact was, this charge of disloyalty was a mere pretext; disloyalty and ultra-montanism were but pretences, the real ground of opposition being that the Roman Catholic clergy were distasteful to the ultra-Protestantism of this country. To use the words of Mr. Macaulay, "the Puritan blood was up," the old No-Popery feeling was alive. It was that which had crowded the tables with petitions and coerced many hon. Gentlemen in their votes. But that was not a cry to which the representatives of the people ought to listen. They should remember that they were not merely the representatives of Protestants; they were the senators and legislators of a great empire, composed of Protestants, Catholics, and Presbyterians, and they could not govern that great empire constitutionally unless they regarded the rights and respected the feelings of the Catholic minority. They were the trustees of a great fund, contributed by all classes and creeds, and they were bound to administer it with judicial impartiality. No claim could be better founded on justice that that of the Catholics of Ireland, not merely for this miserable pittance, but for an endowment suited to the wants of their Church. They maintained in Ireland a Church, the wealthiest in Europe, for the religious instruction of a small and wealthy minority. He was surprised to hear the hon. Member speak of Mr. Macaulay as an historian free from all party prejudice; but if the hon. Member accepted Mr. Macaulay as such, he should come to the same conclusion as Mr. Macaulay with respect to this very grant and with respect to the Established Church of Ireland. They maintained out of the public funds another ecclesiastical establishment for a small minority. He asked them how they could refuse to the Catholics of Ireland an establishment suited to the means, the wants, and the requisitions of the Roman Catholic people? It was not the Church of the rich and the few—it was the Church of the poor and the many. The refusal to maintain that Church was justified upon no principle, save that the Roman Catholics were, from some undefined cause, inferior in civil rights to their Protestant and Presbyterian fellow-countrymen. He claimed for the Roman Catholics social and religious equality; and it was because this motion interfered with that equality that he gave it his most strenuous opposition. Another reason for the refusal was based upon arguments which he believed were grossly calumnious of the Catholic Church. Having dealt with the justice of this grant, he would direct attention to the practical consequences of its withdrawal. One consequence would be that the Catholic subjects of the Crown, constituting one-third of the population, would consider its withdrawal a declaration of hostility by the Legislature against the doctrines and principles of the Church of which they were members. It would alienate their affections, cause them to withhold their confidence, and inspire widespread discontent, which smouldering like fire in ashes, would be ready at any moment to burst out into flame. Another practical consequence would be, that if this motion were carried it must lead to a reconsideration of the whole ecclesiastical establishments of Ireland; and he asked the supporters of the Motion, whether the Protestants of Ireland would be likely to profit by that reconsideration? These consequences might be thought remote and visionary. He would suggest some which were immediate and tangible. Supposing this grant were withdrawn, and the funds supplied, as no doubt they would be supplied, by private contributions from the Catholics of Ireland, assisted by contributions from the Society for the Propagation of the Faith, they would lose all control over Maynooth and all right of inquiry into the practical education of the pastors and ministers of 5,000,000 of people. [Mr. Spooner: We should be very glad to give it up.] But would statesmen and legislators consent to give up such control? But there was another, and that a foreign source, from which the supply might come. The House was aware that there existed, and had existed for many years, perhaps for some centuries, in Paris, an institution called the Irish College, for the education of Irish priests. It was founded and endowed by the munificence of the Bourbon Kings. During the revolution it was confiscated, but was restored by the first Napoleon. Up to 1845 the number of students was 145; since that time the number had fallen off considerably; but if Maynooth were shut up, that institution would only require the necessary funds to attain adequate proportions. In the French capital the funds would not be wanting. Those who had studied the career of the present Emperor would not hesitate to believe that he who boasted himself to be "the eldest son of the Church" would avail himself of an opportunity, afforded by their intolerance, of signalising his zeal for that Church by readily supplying from the Imperial Treasury of France that which was withheld from the Imperial Treasury of Great Britain. Then would rise up within the walls of Paris a Maynooth which no Royal Commission could inquire into and no vote of that House could control or affect. Was that a contingency which hon. Members were pleased to contemplate? Was it consistent with the honour, the dignity, and the safety of England that priests, who were to exercise influence over such masses, should be educated, maintained, or supplied by any foreign prince or potentate? It was to guard against that danger that Mr. Pitt originally established, Maynooth, and that Sir Robert Peel enlarged and permanently endowed it. He hoped those great names had not lost their weight with hon. Members on the Opposition benches. But he had still greater confidence that the British Parliament and the British public would not be regardless of the dictates of reason and the suggestions of policy. He believed that, although silenced for a time by the storm of political excitement, reason and policy would prevail in the end, and that the British Parliament would not allow the rights and feelings of Roman Catholics to be invaded or outraged by the Protestant majority or the representatives of that Protestant majority. He did not now see the leaders of the Opposition present; but if they had been in the House he would have appealed to them to prevent those fountains of bitterness, which it was hoped had been sealed for ever by the Act of 1845, from being reopened. He wished them to use their influence to prevent the recurrence of these painful discussions, which were productive of no practical result except creating division and hatred between hostile creeds. They had on former occasions risen superior to party consideration when national interests were concerned, and he called upon them to rise superior to party considerations in the present debate. He did not know what course they meant to take upon this subject. Maynooth might be a convenient hustings cry and a good Opposition topic; but he would warn them that they would find, if they came to sit upon the ministerial benches—the object he supposed of their ambition—that it would be a serious embarrassment in their course, and that it would be impossible to construct a Cabinet which would endure six months if it adopted the principles of the hon. Member (Mr. Spooner). Whatever course they might adopt he appealed to the House at large, which must wish this country to be united at home and respected abroad. He appealed to them, as they valued a just and sound policy, to reject a motion that would inevitably embitter the feelings of their fellow-subjects and alienate their confidence and affection, which would sow broad-cast the seeds of present discontent and future division, and inevitably inflict upon the rising prosperity of Ireland a deep and lasting wound.

Mr. NEWDEGATE said, he felt assured the House would agree with him that for some time past they had not heard an abler or a bolder speech, on the part of a Roman Catholic Member in defence of this grant than that which had just fallen from the hon. and learned Member for the county of Cork. It was the speech of a Roman Catholic representing the present temper of the Church of Rome. He (Mr. Newdegate) had been informed on good authority that the hon. and learned Member, before he reached the House of Commons, on the hustings pledged himself to do all that in him lay to destroy the Protestant Church Establishment in Ireland. It was for him to reconcile that pledge with the oath which he had taken at the table. But let the House observe the line of argument adopted by the hon. and learned Member. Not only had he publicly declared that he would do all in his power to destroy the Protestant Church as established in Ireland, but he claimed as an act of justice, not this scanty endowment of £25,000 voted as an endowment for Maynooth, but an endowment for the Roman Catholic Church in Ireland. [Mr. Roebuck: Hear, hear!] He (Mr. Newdegate) admired the candour and boldness of the hon. and learned Member, and he rejoiced that the veil of sophistry hitherto employed by the advocates of the Church of Rome had been dispelled by the speech of the hon. and learned Member (Mr. Deasy). The hon. and learned Member told the House that by the continuance of this grant to Maynooth the Legislature was either convicted of inconsistency, or was bound to endow the Church of Rome with such means and appliances as the number of Roman Catholics in Ireland, in his opinion, and that of those whom he represented, required. The hon. and learned Member had pledged himself to destroy the Protestant Church of Ireland. Thus, as the hon. and learned Member put the question, it stood that it was inconsistent to maintain this grant to Maynooth, unless the Roman Catholic Church should be established in Ireland—the purport of his previous avowal following that it was the object of that Church to destroy the Protestant Establishment in Ireland, and to stand alone in that country. The hon. and learned Member had dwelt on the loyalty of the Roman Catholics; he said that there was a rebellion in 1798, but that in 1848 the Roman Catholic population was loyal. Now the hon. and learned Member must allow him to tell him that loyalty was a qualified term in the estimation of the Church of Rome. No doubt the Roman Catholic Hierarchy were loyal in Austria. The entire control of the education of the country had been made over to Rome, and her authority in Austria at that moment was as supreme as she had ever desired it to be. But he would also suggest to the hon. and learned Gentleman that Rome did not take part in every revolution, for it was not every revolution that it suited her to promote. In that category must be ranked the revolutions which disturbed Europe at and subsequent to the period of 1798. Those revolutions were destined to break up despotisms, and to substitute for a time a species of wild and uncontrolled liberty, which perished through its own unbridled licence and led to another despotism—a despotism that, so far from favouring Rome, held her with a grasp so stringent that she recoiled, to become the suppliant of Protestant England, appealing to the attachment for religious liberty that had always characterised this country. Nor were the revolutions of 1848 more likely to suit Rome; and for the same reason. The tendency of the spirit then awakened was to break up the despotisms upon which the authority of the Church of Rome rested: and with the example of Austria before her it was not likely that Rome would be inclined to foster that spirit. Again, the Revolution of 1688 did not suit Rome. He was far from saying that Rome could not be loyal; but what he maintained, and what was known throughout the country, was, that reverting to her ancient claims and practices she was now seeking to establish her despotism throughout the world, as she had stamped it upon Austria. The Ultramontane system of Rome, which the hon. and learned Gentleman said, forsooth, he did not understand, was not likely to lead to loyalty in a Protestant country which upheld the right of civil and religious liberty. The hon. and learned Gentleman had called upon Protestants not to withdraw the grant to Maynooth, and argued that, if the Legislature of this country did so, our ally in France would endow the Irish College in Paris, and that Maynooth would virtually be removed from Ireland to Paris. He further warned the House that if the education of the Roman Catholic priesthood were removed to Paris, that education could not be inquired into, and there would be no check upon it held by the Government of this country. Now, to that he (Mr. Newdegate) begged, in the first place, to reply, that, judging from the results of the late inquiry by a Commission, he thought that all such examinations and inquiries might as well be spared. Indeed, the inquiry reminded him of a declaration of Lord Redesdale, contained in a letter to Mr. Perceval in the year 1807. Writing to that Gentleman, the noble Lord said that as chief law officer of the Crown in Ireland he prayed he might be "relieved from the irksome and ridiculous duty of being nominated as a visitor to inquire into the practices and education at Maynooth, as he was placed thereby in a position of absurd nonentity." Now, he thought that the last Commission had most fully borne out the forebodings and apprehensions thus expressed by Lord Redesdale as to his inability as a visitor to Maynooth to render good service to his country. Again, the hon. Gentleman would excuse him for saying that the difference between the Gallican doctrine and the Ultramontane doctrines were not so undefinable or so unknown. It was to foster in the Irish priesthood national feeling, which Gallicanism admits, that Maynooth was founded, and it is that in which the objects of its founders has been defeated. Why, it had actually come to pass that since 1850 the text books of Maynooth had been changed, and books which had been inscribed in the *Index* as Gallican had been removed from the list of class books at Maynooth, and others of Ultramontane authority substituted in their stead, and thus the object of the endowment, which was the prevention of the introduction of the Ultramontane doctrines into England, had been defeated. There was a certain work of *Devoti* which had been rejected as a text book about the year 1826, because that author laid too great stress upon the rights of the Church of Rome in temporal matters. The work of *Cabbasutius* was made to supersede that of *Devoti* in 1826, because the latter was Ultramontane; in 1855 that is found to have been reversed, and that the work of *Devoti* has been made to supersede that of *Cabbasutius.* That was one instance in which an Ultramontane author was preferred to one of more liberal tendencies. Another case of substitution was in reference to the work of *Favini,* a living author of the Ultramontane school. That work contained an able translation of the writings of Liguori, recommended by Cardinal Wiseman as the best embodiment of Ultramontane teaching. All that had occurred since the year 1850, which was the period when Rome thought fit to break up the system that had hitherto existed in Ireland and this country, and to establish in its place a pseudo ecclesiastical system in accordance with the Ultramontane system. He would ask, then, what did it matter whether the priesthood that was to inculcate Ultramontane doctrines upon the people of Ireland acquired foreign and Ultramontane opinions at Paris or Maynooth? Perhaps in one respect the preference was in favour of their being so instructed at Paris, for then the question might be taken up by the English Government. At any rate, if these doctrines were taught at Paris, the English Government would not be responsible for it; whereas, while such doctrines were taught at Maynooth, the Government of this country were implicated by that fact. He would now call attention to a subject adverted to in a debate upon a Bill for regulating the charges upon the Consolidated Fund introduced in 1854. His hon. Friend (Mr. Spooner) then proposed to introduce a clause that would have had the effect of again bringing the grant to Maynooth under the annual revision of Parliament. The Government withdrew the Bill rather than introduce the clause. But, upon that occasion, he (Mr. Newdegate) called attention to the fact, that in the year 1845 the House had not only voted an annual grant of £26,000 for the maintenance of the college, but likewise a sum of £30,000 for building purposes, and was induced to do so upon the plea that the students were at the time exposed through defective accommodation. That money was consigned to the hands of the trustees for Maynooth, and how had it been applied? Upon that point he had referred to the evidence of Sir Francis Head, who seven years after the date of the grant made a tour through Ireland, and published his narrative of it. Sir Francis Head showed that instead of applying the money to the improvement of the accommodation as it existed—which, according to the Act of 1845, was to be limited to 520 pupils —the Trustees appointed Mr. Pugin their architect, who, instead of repairing the old college, set about building a new one, so that the new building when added to the old ones would contain not 520 but 735 pupils. Now, since the year 1845, the Roman Catholic population had diminished to the extent of at least 1,200,000; so that, by this misappropriation of the funds voted by Parliament, provision was made for the education of 215 priests above the number contemplated by the Act of 1845, although the Roman Catholic population had since diminished. This was not in accordance with the intention of the framers of the Act of 1845? The fact was, the experiment had failed of preventing the Roman Catholic priesthood from being imbued with foreign and Ultramontane principles. It had failed in another way. It was intended only to provide education for a number of priests sufficient for the requirements of the Roman Catholic population of Ireland; but what said the evidence taken before the Maynooth commission? It confirmed the statements made by Sir Francis Head. Thus it appeared that in thus subsidizing Maynooth, this Protestant country was, in fact, providing one-third more priests than Ireland wanted, who would, he had no doubt, be distributed throughout the rest of the British dominions. It was in vain to talk of the dulness of debates upon this question, The fact was, the subject had been debated out of doors, and had been settled in the minds of the people of England, who, without the slightest intention of doing injustice to the Roman Catholics, would no longer consent to inflict upon them a priesthood trained in Ultramontane doctrines, subversive of the liberties of the people, and calculated to attach the priesthood and persons under their influence to a foreign power rather than to the authority of their own Sovereign. The hon. Member for the County of Cork (Mr. Deasy) had been pleased to warn the party to which he (Mr. Newdegate) had the honour to belong, that if ever they hoped to serve Her Majesty as the responsible Ministers of the Crown, they must maintain the grant to Maynooth, and establish the Roman Catholic Church in Ireland, with an authority, and in a position adequate to the hon. Member's sense of justice. Now, he would venture to tell the hon. Gentleman that if the occupants of these (the Opposition) benches were so wild as to imagine they could occupy the post of Ministers of the Crown in subserviency to the influence of the See of Rome, they would not sit there as representatives of the people of England. He would appeal to history whether it was likely that the free-born people of England would submit to a Government so debased as one that would act the representatives of a foreign Power in that Assembly. Hon. Gentlemen of the Roman Catholic persuasion, by banding themselves together under the authority of their Church, and by abusing the forms of that House, might render the government of this country difficult; they might embarrass successive Governments; they might, by the insinuations of Jesuits, ingratiate themselves with persons in high station and authority, and succeed in getting converts to their doctrines amongst the upper classes. The best result they had any reason to anticipate from their exertions was, that they might reproduce the circumstances which convulsed this country in 1688; for, if he knew the people of England right, there was still in them the same spirit which was aroused in 1688, and they would again free themselves from the yoke which their ancestors had broken. It was a rash and vain hope on the part of any hon. Members if they fancied that a Government under the influence of Rome would ever be permanently established in this country.

MR. DEASY said, that the hon. Member had incorrectly referred to a statement of his. What he said on the occasion alluded to was, not that he advocated the utter destruction of the Protestant Church in Ireland, but that the Protestant Church establishment there was, as at present constituted, a grievance.

MR. ROEBUCK said, the hon. Member who had opened this discussion, and the hon. Member who had just sat down, had referred to the possibility of hon. Members being made converts to the Roman Catholic faith; but in anything which he (Mr. Roebuck) might say, he hoped at least that both hon. Gentlemen would acquit him of being under the influence of the Papal Church. Now, he asked, what was it that they had to decide on that occasion? And, in order to consider that question, it was necessary to ask another—what was the history of this grant? History told him that this Maynooth Vote was first granted by a Protestant assembly in Ireland, in the election of which not a single Catholic had a voice. Mr. Pitt took upon himself to maintain that Vote. He stated, at that time, that revolutionary opinions were prevalent in Europe, and he was afraid that a priesthood educated abroad might imbibe some of these principles; he, therefore, proposed to throw upon the Government the duty of furnishing the Catholic priesthood with the means of education. The proposition was sanctioned by a Protestant assembly in England, without any reference to Catholic ascendancy. Then came Sir Robert Peel. He, a few years since, determined that the Vote for Maynooth should be a permanent Vote. His sole purpose was to provide the means of educating Catholic priests in Ireland apart from foreign influence. Lastly came the hon. Member for Warwickshire (Mr. Spooner), and he said they ought to put aside the experience of Mr. Pitt and Sir Robert Peel and follow him. He (Mr. Roebuck) had great faith in Mr. Pitt; he had some in Sir Robert Peel; but he had no faith in the hon. Member. If he (Mr. Roebuck) could understand the principle on which the right hon. Gentleman to whom he had referred came to a decision, it was this. They said that priests educated in England or Ireland would be very different men from those educated abroad, and would be far more likely to have the interests of this kingdom at heart. As a statesman, then, without any reference to narrow ideas of bigotry, or hatred to the Roman Catholic religion—he hated no religion—he asked himself this question, was it for the interest of this country that the Irish Roman Catholic priests should be educated in Ireland? If they were to be educated in Ireland their educational institutions must be properly endowed. But he looked also at the bench opposite; the hon. Member for Cork (Mr. Deasy) had spoken of the right hon. occupants of that bench as of men who might hereafter hold high office. He (Mr. Roebuck) thought it a very significant circumstance that they were all absent on the present occasion. Why were they not present? He would tell the House why—it was not difficult to do—they were absent, because they were statesmen. They were not there because they at some time expected to govern this country, and they knew that when they did govern it they would be totally incapable of supporting the views of the hon. Member for North Warwickshire. Why, was not the army at that moment filled with men professing the faith which the hon. Member denounced? Had not Ireland supplied men for Alma, and Inkerman, and Balaklava? and should we now turn round on her and say, that the doctrines of the religion which those men professed should not be taught in an institution endowed by the State? The hon. Member for West Surrey (Mr. Drummond) had spoken of members of the Catholic religion who were liberal men and opposed to the teaching of Maynooth, adding, for himself, that the teaching did not meet with his approval. But was that House going to set itself up as a judge of truth or falsehood in matters of religion? He (Mr. Roebuck) had learned enough to know that no man in his senses would interfere between any other man and the great God of Nature. Such matters should remain matters of conscience, and he, acting in the humble spirit of a Christian, would not attempt to go between any man and his Maker. Well, then, he said that any attempt on the part of the House to interfere with the teaching at Maynooth was both preposterous and absurd, and never had it been less fitting to interfere with that institution than at present. It had been well put by the hon. Member for Cork, that in 1798 there was an insurrection in Ireland, and at that time the Catholic priesthood were against England as well as the Catholic population. In 1848 there was again insurrection; but that time neither Catholic priesthood nor Catholic people were against us. It was notorious to every one in the House that the insurrection, fomented by what was called Young Ireland, met no sympathy either from the priests or people of that country. But '98 was supported by the priests, and therein was shown the wisdom of Mr. Pitt's proposal. Mr. Pitt said he would educate the priests in Ireland under English inspection, and their conduct in '48 was the result. In the insurrection of '48 the priests of Ireland were on the side of the English Government, and therefore he inferred that the teaching at Maynooth was not inimical to the security of this country. Let them not then interfere with the teaching at Maynooth, lest by taking away the grant they should deprive themselves of the right of visitation. If they did so, the Irish priests would throw themselves into the arms of foreigners, and the latter would teach them what they pleased. Looking at this question apart from doctrinal points, but simply as an imperial legislator, he thought that for the safety of this country they should maintain the Maynooth grant, and in doing so, maintain their dominion over the teachers of that institution. On this account the grant should have his support.

MR. KIRK said, that very considerable discussion might arise as to the effect of the words used in the Amendment of the hon. Member for Edinburgh. He thought that, according to their strict meaning, they would apply to all Paeliamentary grants made to religious denominations in Ireland. They would apply not only to the grant to Maynooth, but also to the grants to Trinity College, the Established Church of Ireland, Presbyterian endowments, and all other grants of a similar nature. The grant to Maynooth had been spoken of as coming from the English nation; forgetting that Ireland paid a portion of the taxes of the Empire, and that but a very limited amount of such taxation was expended on that country. Irish Members had always supported grants for endowments of every kind connected with England, and yet when a small grant was asked for Ireland, no matter whether for Presbyterian, scholastic, or religious purposes, they were at once told that the grant was English. He thought the hon. Member for North Warwickshire, in making his Motion annually, was playing into the hands of those who were the bitterest enemies of the Church to which he was so attached. Maynooth was not struck at, but the ultimate aim of some of the most eager supporters of this Motion was the Established Church. He trusted this was the last occasion on which the hon. Gentleman would bring the Motion forward.

VISCOUNT PALMERSTON: Sir, I confess I have felt regret that the hon. Member for North Warwickshire should have thought it his duty again to bring this subject under discussion in this House. I think that nothing can be more unfortunate than repeated discussions in the House on matters not tending to political objects;

but on matters turning almost entirely—as these discussions have turned, by the example of the hon. Mover—upon theological questions and polemical disputes. No doubt the hon. Member wishes, as every good Protestant must naturally wish, that all the subjects of the Queen should be of the same creed as himself. But those who profess the Catholic religion feel, on the other hand, very naturally too, a corresponding wish that all were of their persuasion. Now, these matters are not subjects which can depend upon discussions in this House. It is not, I think, by the stirring up of the angry passions of polemical controversy that we can hope to bring over to our creed those who differ from us. On the contrary, the more such questions are discussed in the spirit which I am sorry to see the hon. Member has thought fit to introduce into this subject—the more these matters are discussed in an angry and irritating spirit the less likely is it that that harmony can be established which is the only avenue towards an approximation, if that be possible, on matters of such great and high importance. But I look upon this question simply in a political point of view. The question before us is not one as to the comparative doctrines of the two creeds which the hon. Member has discussed. The question is simply one of political expediency. Is it disadvantageous or not that this endowment should continue? Is it just, and fair, and consistent with the engagements we have entered into towards Ireland, that we should continue it, or are we really at liberty to abolish it, as is proposed by the hon. Gentleman? Sir, in the first place, I would say that the course of debate has shown that there is an engagement entered into of good faith towards the Irish people, which, I think, ought to lead us to maintain the institution upon the footing on which it now stands. It has been well observed that this is not an establishment originating with Catholic authorities. It originated, on the contrary, under a Protestant Parliament in Ireland, and was subsequently sanctioned by a Protestant Parliament in England, and was placed upon its present footing by the Imperial Parliament, upon the recommendation of a Protestant Minister of this country. Sir, I will not enter into the question of the particular teaching in Maynooth. It has been argued that this teaching is altogether inconsistent with the loyalty due to the Sovereign of these Realms. Sir, I look to results. Now, I would ask the hon. Gentleman whether Ireland has ever been more loyal than it is at this moment, or whether the Irish people had ever given greater attention than they are now doing to social improvements and to the development of the natural resources of the country? I would ask whether Ireland was ever more tranquil or quiet than it is at this moment? Or, if we are to judge of the instruction of the people by its results, whether there was ever a moment when you had better reason to be satisfied with the system of teaching in Ireland? Sir, I do not attach any weight or value to what has been urged in the course of this debate as to the conduct of the Irish soldiers and sailors in the late war in which we have been engaged, because there never was a period in the history of the country in which the Irish engaged in our army and navy did not do their duty in a manner most honourable to the nation to which they belonged. There is nothing peculiar, however praiseworthy it may be, in the conduct of the Irish during the operations of the war which were closed by the peace which has been lately signed. But I look at this question in the view of political expediency. Will the hon. Member and those who support his Motion say that there is a tendency in the doctrines of the Catholic Church to direct the attention of men towards a foreign authority; that this is the natural result of what are called Ultramontane doctrines? That, Sir, may no doubt be an evil. I will not dispute that point with the hon. Member. But would the hon. Gentleman add to that evil the evil of having priests educated abroad? Would the hon. Gentleman have them not only tainted, as he says, by doctrines promulgated by foreign ecclesiastical authority, but also have them brought up as foreigners, and return home as strangers to their native country? Would he have them come back with views totally at variance with the impressions which are produced by an education at home? Does he think that by an education abroad he would mend that condition of the Irish priesthood which was the great object of his animadversions? I say, whether these Catholic priests do or do not entertain those peculiar doctrines about ecclesiastical discipline which the hon. Member objects to, at all events let them be brought up as Irishmen. Do not send them for instruction abroad. Let them not come back to Ireland imbued with such opinions and feelings as are acquired by a foreign education. Whether these opinions be Ultramontane or not, let them at least be Irish. Let them be attached to the country of their birth by the habits of their education. I am perfectly willing to trust to their loyalty if they be permitted to receive their education at home. On these grounds, therefore, without going through those matters which I think have been too much discussed, I shall oppose both the Motion and the Amendment. I hope, Sir, if it is possible to anticipate any change in the opinions and conduct of the hon. Member—I hope these matters may never again be brought before us. I am, however, afraid I cannot entertain any very sanguine hope that we shall hear no more of this question. I have, certainly, no disposition to follow the hon. Member's example; I shall rather follow the example of those mentioned by the hon. and learned Member for Sheffield—of those who, though by no means less sincere Protestants than the hon. Member for North Warwickshire, who are much better statesmen, and who better understood the real interests of their country—of those who are actuated by sentiments which, I think, are more becoming the legislators of England, and who feel that they do not, in any degree, sacrifice their own principles, or act with treachery to the religion they profess, by affording to the priesthood of a large portion of their fellow-countrymen the means of an education at home, thus implanting in them those feelings of attachment to their country with which, I think, it is essential the instruction of the people should always be alienated. Having said so much, I have only to express a hope that the House will think with me, that it is time to put an end to these polemical and irritating discussions.

Mr. SPOONER denied that he had brought forward this question in an angry or irritating spirit. He had stated his reasons for the Motion as fairly and as calmly as he could. He viewed this question as a matter of principle, and he felt that he could not conscientiously consent to the continuance of this grant. If the noble Lord's arguments were right he should go further, and release the Sovereign from the oath she took at her coronation to support the Protestant reformed religion as by law established. The noble Lord had not attempted to answer the allegation, that the Protestant religion declared that the doctrines taught at Rome, and the sacrifice of the mass were "idolatrous," or that in the Articles of our Church those doctrines were declared to be "blasphemous fables and dangerous deceits." The noble Lord had said that he followed the example of Mr. Pitt and Sir R. Peel; but he forgot the reason given by those statesmen for their support of Maynooth, namely, their desire to have an educated and quiet priesthood. Had not the result been a failure? Were not the priests of Ireland the leaders of rebellion and the instigators of discontent? He would grant the Roman Catholics all civil rights, but would not support that which the Established Church held to be idolatrous. The Amendment of the hon. Member for Edinburgh should receive his most strenuous opposition. He would join in voting £30,000 a year for the improvement of Ireland, but not for the maintenance of an institution the continuance of which could not be defended on grounds of sound policy or Christian law.

Question put, "That those words be there added."

The House *divided*:—Ayes 21; Noes 253: Majority 232.

Main Question put,

The House *divided*:—Ayes 159; Noes 133; Majority 26.

List of the AYES.

Agnew, Sir A.
Anderson, Sir J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bailey, Sir J.
Baldock, E. H.
Barnes, T.
Barrington, Visct.
Bateson, T.
Baxter, W. E.
Bell, J.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Bignold, Sir S.
Blackburn, P.
Boldero, Col.
Bramley-Moore, J.
Brocklehurst, J.
Buck, Col.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cairns, H. M'C.
Campbell, Sir A. I.
Carnac, Sir J. R.
Challis, Mr. Ald.
Chambers, M.
Cheetham, J.
Child, S.
Cholmondeley, Lord H.
Clive, hon. R. W.
Cole, hon. H. A.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Davie, Sir H. R. F.
Davies, J. L.
Davison, R.
Dod, J. W.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, F.
Dunlop, A. M.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Ellice, E.
Ewart, W.
Farnham, E. B.
Fergus, J.
Ferguson, J.
Fergusson, Sir J.

Floyer, J.
Forster, Sir G.
Freestun, Col.
Gardner, R.
Gilpin, Col.
Greaves, E.
Greenall, G.
Grogan, E.
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Haddo, Lord
Hadfield, G.
Hamilton, Lord C.
Hamilton, rt. hon. R. C. N.
Hardy, G.
Hastie, Alexander
Hastie, Archibald
Hayes, Sir E.
Hill, Lord A. E.
Hindley, C.
Hotham, Lord
Irton, S.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Admiral
Keating, H. S.
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Laing, S.
Langton, W. G.
Langton, H. G.
Lockhart, W.
Luce, T.
Mackie, J.
MacGregor, James
MacGregor, John
TacTaggart, Sir J.
Masterman, J.
Matheson, Sir J.
Maxwell, hon. J. P.
Miall, E.
Milligan, R.
Mills, T.
Michell, W.
Montgomery, Sir G.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowbray, J. R.
Mundy, W.
Napier, rt. hon. J.
Napier, Sir C.
Newark, Visct.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Palk, L.
Palmer, R.
Pellatt, A.
Percy, hon. J. W.
Phillimore, J. G.
Pigott, F.
Pilkington, J.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rust, J.
Seymour, W. D.
Sibthorp, Maj.
Smith, J. B.
Smith, W. M.
Smith, A.
Smollett, A.
Stafford, A.
Stanhope, J. B.
Stracey, Sir H. J.
Stuart, Capt.
Sturt, H. G.
Thompson, G.
Tite, W.
Tollemache, J.
Traill, G.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vyse, Col.
Waddington, D.
Walcott, Admiral
Warren, S.
Wise, J. A.
Woodd, B. T.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Spooner, R.
Bruce, Maj. C.

List of the NOES.

Acton, J.
Antrobus, E.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hon. Sir F. T.
Beamish, F. B.
Beaumont, W. B.
Berkeley, G. C. L.
Biddulph, R. M.
Black, A.
Blake, M. J.
Bond, J. W. M'G.
Bonham-Carter, J.
Bowyer, G.
Brady, J.
Brand, hon. H.
Brotherton, J.
Burke, Sir T. J.
Byng, hon. G. H. C.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coote, Sir C. H.
Deasy, R.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Duff, G. S.
Dunne, M.
Dunne, Col.
Emlyn, Visct.
Ewart, J. C.
Fagan, W.
FitzGerald, Sir J.
Forster, C.
French, F.
Gladstone, Capt.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Grosvenor, Earl
Halford, Sir H.
Hall, rt. hon. Sir B.
Hankey, T.
Harcourt, G. G.
Hayter, rt. hon. W. G.
Heard, J. I.
Henchy, D. O'Connor
Heneage, G. F.
Herbert, H. A.
Heywood, J.
Higgins, Col. O.
Holford, R. S.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hutchins, E. J.
Ingram, H.
Kennedy, T.
Kirk, W.
Labouchere, rt. hon. H.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Littleton, hon. E. R.
MacEvoy, E.
M'Cann, J.
M'Mahon, P.
Maguire, J. F.
Manners, Lord J.
Martin, P. W.
Massey, W. N.
Meagher, T.
Monck, Visct.
Moncreiff, James
Monsell, rt. hon. W.
Mowatt, F.
Mulgrave, Earl of
Murrough, J. P.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. D.
Oliveira, B.
Palmerston, Visct.
Paxton, Sir J.
Peel, Sir R.
Peel, F.
Peel, Gen.
Perry, Sir T. E.
Philipps, J. H.
Pinney, Col.
Power, N.
Price, W. P.
Pritchard, J.
Ricardo, O.
Rice, E. R.
Richardson, J. J.
Ridley, G.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Scholefield, W.
Scully, F.
Scully, V.
Seymer, H. K.
Seymour, H. D.
Shee, W.
Smith, rt. hon. R. V.
Steel, J.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Tancred, H. W.
Thornely, T.
Tottenham, C.
Vivian, H. H.
Waterpark, Lord
Watson, W. H.
Whatman, J.
Whitbread, S.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Wyvill, M.

TELLERS.
Castlerosse, Visct.
Wilkinson, W. A.

House in Committee; Mr. NEWDEGATE in the chair.

MR. SPOONER: I have now, Sir, to move for leave to bring in a Bill for the purpose of repealing the Acts for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights or interests.

Motion made, and Question proposed—

"That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the withdrawal from the College of Maynooth of any Endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

MR. HUTCHINS moved, as an Amendment, that the Chairman report progress, and ask leave to sit again.

THE CHAIRMAN: The question is that I do report progress, and ask leave to sit again.

VISCOUNT PALMERSTON hoped the House would agree to that, and that it would be the only progress that would be made.

Motion made and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided* :—Ayes, 132; Noes, 154: Majority, 22.

Original Question again proposed.

MR. H. HERBERT: I am anxious, Mr. Newdegate, to have the benefit of your opinion on a matter of some moment. I have had the honour of hearing you put the question in as distinct a manner as it is possible for a question to be put, and, unless my ears deceived me strangely, when you called upon such Members as were of opinion that you should report progress to say "Aye," I heard the hon. Member for North Warwickshire (Mr. Spooner) utter that word. I am not sufficiently versed in the usages of the House to know how that fact should affect the division list. The subject under discussion is one of very deep interest to my constituency, and as it is of great importance that there should not be any misrepresentation as to the numbers who have voted on this occasion, I take leave to ask you whether we of the minority may not claim the vote of the hon. Member for North Warwickshire? who, I repeat, distinctly said "Aye" to the question that you do leave the chair.

THE CHAIRMAN: In reply to the hon. Gentleman, I beg to say that as no notice was taken of the circumstance at the time, it cannot now be entertained.

CAPTAIN D. O'CONNELL moved, that the Chairman do now leave the chair.

MR. JAMES MACGREGOR: Sir, I confess I did not expect or think it possible that the solemn decision of this House could have been treated as a farce by the First Minister of the Crown. I say I did not expect that, after a decision had been come to by a majority of this House upon a question of this important nature, the noble Lord the First Minister of the Crown would presume to rise and state that he hoped the progress then made was the only progress that would be made. Sir, I occupy a very humble position in this House; but I will not lose this opportunity of protesting against such a mode as that of dealing with a solemn question—a question, Sir, which is regarded by the people of this country as one of the most vital importance in point of principle. I hope the private Members of this House, those who, like myself, are little accustomed to interfere in its proceedings, will not fail, on the next division, to express their feeling with regard to this mode of dealing with a public question after it has been decided upon by a not contemptible majority of this House; that they will not allow their solemn proceedings to be converted into a farce and an absurdity; and that the question now to be put will not be carried without a lesson being given to the minority which the Government will find exceedingly inconvenient in carrying on the business of the country.

VISCOUNT PALMERSTON: If anything I said was wanting in solemnity, certainly I cannot retort the charge upon the hon. Member. At the same time, I am not at all sensible that there is any impropriety in a Member of this House, who is opposed to a particular measure, rising in his place and expressing a hope that it may make no further progress; that hope, without meaning the slightest disrespect to the hon. Member, I still entertain. However, I would entreat the hon. Member who has moved that the Chairman should leave the chair, to permit the House to come to a decision on the question itself. I thought it quite right, when the Motion was made for reporting progress, to support that Motion; but the House having affirmed the contrary, I think that, now the House is full, and the discussion is brought to a close, it is more fitting that we should come to a vote on the main question rather than that Members should be detained here by Amendments of this sort. If the Motion of the hon. Member for North Warwickshire is affirmed, a Bill will be then brought in, which of course will have to be discussed hereafter; and this being the case, I think that, at all events, we should at once come to a decision upon that question.

Motion, by leave, *withdrawn.*

Original Question put.

The Committee *divided* :—Ayes 159, Noes 142: Majority 17.

House resumed.

Resolution for Bill *reported,* and Bill *ordered* to be brought in by Mr. NEWDEGATE, Mr. SPOONER, and Mr. BENTINCK.

Bill read 1°.

THE SECRETARIES OF STATE—QUESTION.

Mr. MURROUGH asked the right hon. Gentleman the Chancellor of the Exchequer whether the persons now holding the offices of principal Secretaries of State had been duly appointed by letters patent, and whether there was any objection to lay on the table the letters patent which had been granted and were now in force.

The CHANCELLOR of the EXCHEQUER replied that the doctrine which had always been received in regard to Secretaries of State was, that the delivery of the seals invested the persons to whom they were delivered with all the powers and functions of the office. Up to a recent date it had been usual afterwards to take out letters patent, by which the powers of the office were in some way defined and confirmed. A short time since that practice was altered, and of the present Secretaries of State only a portion had taken out letters patent. Whether the persons now holding the office had been duly appointed was a question of law which he could not answer. As to the information sought for by the hon. Member, there would be no objection to lay on the table a return of the names of persons to whom letters patent had been granted.

Address for "Return of the names of persons now holding the offices of Principal Secretaries of State to whom Letters Patent have been issued."

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 16, 1856.

Minutes.] New Member Sworn.—For Ennis, John David FitzGerald, esq.
Public Bills.—1° Bleaching Works (No. 2).
2° Reformatory and Industrial Schools.
3° Exchequer Bills (£21,182,700).

JUSTICES OF PEACE QUALIFICATION BILL.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3.

In reply to an observation of Sir Robert Fergusson,

Mr. HORSMAN said, there was nothing in the principle of the measure to give any reason why it should not apply to Ireland as well as to England, and he had proposed an Amendment at the instance of some gentlemen in Ireland to that effect. It was always desirable that the same law should be applied to both countries, when it was equally applicable.

Sir ROBERT FERGUSON said, the effect of the Bill in Ireland would be to disqualify those magistrates holding estates under ecclesiastical bodies, who had not converted their leasehold tenures into perpetuity. He thought it would be better to introduce a separate Bill for Ireland, and not in that summary way to extend the measure to Ireland.

Mr. HORSMAN said, he would suggest that the hon. Baronet should propose a clause on the third reading, to provide for the case which he had specified.

Mr. I. BUTT said, that the peculiar tenures to which the hon. Baronet (Sir R. Ferguson) had alluded, existed in England still more extensively than in Ireland. He wished the law of Ireland to be assimilated to that of England, thinking that exceptional legislation for Ireland was a great calamity.

Clause *agreed to,* as were also Clauses 4 to 6 inclusive.

Clause 7.

Mr. CHILD said, he wished to move the substitution of the words "such county, riding, or division," for "England and Wales." The object of the alteration was, by rendering it necessary that the property constituting the qualification of a justice should exist in the locality in which he exercised his functions, to maintain a local connection between the magistracy and the counties in which they had jurisdiction. The control which justices possessed over the county expenditure made it desirable that their property should be situated in the district from which the funds were levied.

Mr. MILES said, he hoped the Amendment would not be pressed. Its adoption would embarrass the administration of justice by disqualifying magistrates living on the confines of two counties from acting officially in both.

Mr. BAINES said, he viewed the Amendment as an innovation which must work very inconveniently in the cases pointed out by the hon. Member who had last addressed them. Justices ought to be enabled to exercise their functions in conterminous counties.

Mr. LLOYD DAVIES said, he believed that the Amendment would disqualify one fourth of the magistracy of England. If magistrates were prohibited from rendering assistance to a neighbouring bench in cases of emergency, the restriction would often amount to a practical denial of justice.

MR. COLVILE said, he trusted that the Committee would support him in resisting the Amendment, which, if carried, would render it impossible to administer the law, particularly in cases affecting railways, which often ran through several different counties. Justices acting judicially in adjoining counties would, as at present, make it a point of honour to abstain from voting on questions relating to the rates of other counties than their own.

MR. VANSITTART said, he thought that land in Scotland should qualify for the office of justice of the peace in England as well as the receipt of interest or dividends. A clause ought, however, to be inserted, expressly precluding magistrates, when acting in adjacent counties, from exercising any power over the county rates.

MR. CHILD said, it was his intention if his Amendment were assented to, to move as a proviso, that any magistrate should be empowered to act, in all matters affecting the preservation of the peace, in any county bordering upon his own.

COLONEL DUNNE said, he objected to the extension of the Bill to Ireland.

MR. ADDERLEY said, he regarded the question as one not between real and personal property, but of local interest. The proviso suggested by the hon. Member who moved the Amendment, would obviate the objection raised to the latter, and would merely have the effect of preventing magistrates from exercising jurisdiction in a distant county in which they had no qualification, real or personal.

MR. BAINES said, he would recommend the withdrawal of the Amendment, and that a clause should be moved at a subsequent stage, if necessary, to divest justices of any power over the county rates of an adjoining county.

MR. ROBERT PALMER said, it was his opinion that the proposal to disqualify justices from affording judicial assistance at neighbouring petty sessions would be too restrictive; but at the same time he thought that there was nothing of which the farming class of ratepayers were more jealous than that members of the bench should have authority over the financial business of districts with which they were not locally connected. The feeling was, that, if those gentlemen were rated themselves, they would be more careful how they voted away the money of the taxpayers. The observation had been made to him repeatedly, "If Mr. A. or Mr. B. had to contribute his share to the county rates, he would be a little more careful in their distribution." Why should a man who had no stake in a county have a voice in the application of the funds of that county? He had heard it suggested that no person who was not assessed in his own name or in that of tenants to the poor rate or to the county rates, or who had not property in a county, should be qualified to act, either with regard to general or financial business, as a magistrate for such a county.

MR. KER SEYMER said, he thought that if the proposal involved in the Bill were adopted, it would have the effect of exciting considerable jealousy, for two classes of magistrates would be appointed, the one class exercising magisterial functions in criminal cases, while the other class would be restricted to the control of financial affairs.

MR. CHILD said, that on the understanding that the Government would consider the expediency of introducing such alterations as would meet his views, he would not press his Amendment.

MR. HORSMAN said, he would now move the insertion of the words, "or within Ireland, as the case may be;" he considered that this was rendered necessary by the extension of the Bill to Ireland, which had been already agreed to; but he should propose to add, at the end of the clause, words providing "that no estate or interest in landed estate in Ireland, shall be a sufficient qualification for England and Wales, and that none in England and Wales shall be a qualification for Ireland." He begged to state to the Committee that all the Amendments had been very maturely considered by the law officers of the Crown.

MR. I. BUTT said, he thought the best course would be to establish a general qualification, so that persons possessing a qualification in England might act as magistrates in Ireland, while persons possessing a qualification in Ireland might exercise magisterial functions in England.

MR. COLVILE said, he was of opinion that an English magistrate should possess a qualification in England, and that an Irish magistrate should have a qualification in that country.

Amendment *agreed to.*

Mr. VANSITTART said, he desired to have the words "United Kingdom" substituted for "England and Wales." He could not see why a person having landed qualification in Ireland should not have a qualification to act as magistrate in England, especially when a person having personal property to the extent of £300 was to be qualified.

Mr. BOUVERIE said, the Bill would establish two distinct qualifications—a qualification in landed property of £100 a year, and a qualification in personal property of £300 a year. As he understood the Bill, landed proprietors would be qualified to act as magistrates only in the counties in which their property was situated, while possessors of personal property, which might be derived from estates in Jamaica or Trinidad, or from investments in the French funds, could be appointed magistrates in any part of the kingdom.

Colonel DUNNE said, he thought it rather anomalous, according to the view of the Bill taken by the last speaker, that, while the receipt of £300 a year from the Tipperary Bank would be a qualification for an English magistrate, the possession of landed property in Tipperary to the required amount would not confer such a qualification.

Mr. DRUMMOND said, he was of opinion that that a man should possess a qualification in the county in which he acted as a magistrate. What was the argument used by the Manchester gentlemen, who some time since brought forward a Bill upon this subject? They complained that magistrates who had no sympathy with the ratepayers voted away the public money at quarter sessions, and they contended that the ratepayers ought to have a voice in the application of the funds. The fact was, that the magistrates were generally the largest ratepayers, either themselves or through their tenantry; but now a parcel of retired tradesmen, who paid no rates except for their little trumpery lodgings, were allowed to squander away the money of the ratepayers, and completely to outvote all the landed proprietors. There was a good deal of justice in the scheme of the Manchester gentlemen, but the difficulty was to establish machinery by which their object could be attained.

Mr. HEYWOOD said, he was one of those who supported the Bill to which the hon. Gentleman had just referred. He thought there ought to be a paid magistracy who should have cognisance of the criminal business, and that the other magistrates who attended to the financial business should have a property qualification.

Amendment *agreed to.*

Sir ROBERT FERGUSON said, the clause required, as one of the qualifications of a justice of the peace, that he should be entitled to an estate in lands, or in the rents and profits of lands for the life of some person living, or for a term of which not less than thirty years should be unexpired. The effect of the clause, if applied to Ireland, would be to disqualify a great number of most active magistrates, and he would therefore move the substitution of "twenty-one years" for "thirty years."

Mr. STAFFORD said, he would suggest, as there was so material a difference between the circumstances of England and Ireland, it was advisable that the present Bill should apply only to England, and that the Secretary for Ireland should introduce a separate Bill with reference to that country. They ought either to treat the Irish counties in the same manner in which they dealt with the English counties, or a new Bill applicable to Ireland should be introduced.

Mr. HORSMAN said, he thought that, whenever it was possible the same legislation should be applied to England and Ireland. He knew of no case in which such equal legislation could be adopted more simply and satisfactorily than with regard to the qualifications of justices of the peace, and he saw no reason why the qualification which this Bill would establish in England should not be equally applicable to Ireland.

Mr. NAPIER said, that in the first instance this Bill was intended to apply solely to England, and, if its operation were extended to Ireland, he thought that object ought to be accomplished by provisions which had been carefully prepared and well considered.

Sir ROBERT FERGUSON said, he had been somewhat surprised at the proposal to apply this Bill to Ireland, and would suggest that, unless great caution were exercised, the effect of that application would be to disqualify a great number of most valuable magistrates. He would recommend that a separate Bill should be introduced with reference to the qualification of Irish magistrates, and he believed that if such a measure were prepared by the law officers of the Crown for Ireland, it would be passed in half the time that would be spent in discussing the mode in which the present Bill should be applied to Ireland.

Mr. HORSMAN said, the Bill would operate in Ireland precisely the same as in England. It would prevent justices of the peace acting without qualification.

Mr. DE VERE said, he thought that the Bill ought to be extended to Ireland. It would not disqualify existing magistrates, because it was prospective and not retrospective in its effect.

Sir JOHN TROLLOPE said, the object of requiring magistrates to possess a property qualification was to insure their sympathy with the ratepayers of those counties in which they exercised a control over the local taxation. The Bill before the Committee, however, did not provide that magistrates should have qualifications in the particular counties in which they exercised magisterial functions, for their qualifications might be derived from colonial estates, from investments in foreign stocks, or from personal property. He really thought the most simple course, and that most in accordance with common sense, would be to abolish the property qualification for magistrates altogether, rather than maintain an ineffective system of qualifications, which would afford no security for the proper administration of the county funds.

Mr. DEASY said, that a qualification by leasehold tenure was an expiring qualification, so that a man might be qualified one day, and disqualified the next.

Mr. HENLEY said, he suggested that the better course would be for the Government to take up the question, and upon their own responsibility to bring in Bills applicable both to England and to Ireland. He did not think that magistrates had been required to possess a property qualification, simply because they had to transact the financial business of counties, but in order that if, in the exercise of the extensive powers vested in them, they caused persons to be improperly imprisoned, those who complained of their wrong-doing might find that they were "worth powder and shot." It was no satisfaction to a man to put a magistrate in gaol, because he had himself been wrongfully imprisoned; but he would feel the benefit of being able to put damages in his pocket. Their best course would be to go on with that part of the Bill which related to England, and agree to its recommittal at some future day for the purpose of its being considered as it related to Ireland. It was desirable, as far as possible, to have the same law for both countries.

Mr. G. BUTT said, the Bill as it now stood would have a retrospective effect. According to the wording of the 7th clause a magistrate would be required to possess the stipulated qualification at all times, and not merely at the date of his appointment.

Mr. BASS said, that to prohibit magistrates from acting in counties where they had no property would be to disqualify many of the existing justices of the peace.

Mr. DEEDES said, he objected to the Bill altogether, and would, at the proper time, move the omission of the last three paragraphs of the 7th clause.

Lord NAAS said, he hoped the Committee would come to a distinct understanding as to whether the Bill was to be retrospective or not. Nothing could be more unjust than to declare old magistrates disqualified because they did not possess the new qualifications set forth in the present Bill.

The CHANCELLOR of the EXCHEQUER said, his own individual opinion was that the Bill would have a retrospective effect. The 7th clause would prevent magistrates qualified under the existing Acts from continuing to act, unless their qualifications coincided with the provisions of the Bill. On the other hand, the 6th clause seemed to have a different meaning, and it was important that the author of the Bill should explain his intentions.

Mr. COLVILE said, it was not the intention of the promoters of the Bill that it should be retrospective, and words to be construed in that sense had been introduced into the 8th and 11th clauses.

Mr. HENLEY said, he would suggest that a postponement should take place until the Law Officers of the Crown had been consulted on the question.

Mr. HORSMAN said, that if any doubt was entertained as to the prospective character of the Bill a few words introduced at the beginning of the 7th clause would settle it.

Mr. BOUVERIE said, that, as regarded England, the Bill was reasonably retrospective, because, here it would leave existing magistrates where it found them; but in Ireland, where the present qualification was very low, it would doubtless make a considerable change, and it was a question for consideration whether it should be made retrospective in that country.

MR. GRANVILLE VERNON moved, that the Chairman Report progress, and ask leave to sit again.

The Committee *divided*:—Ayes 115; Noes 74: Majority 41.

The House *resumed*.

MINISTERS' MONEY (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. G. A. HAMILTON, in rising to move that the Bill be read a second time that day six months, said that if he could believe that there was any injustice in the present system of raising Ministers' money, or even any substantial grievance affecting the religious feelings of the people, he would not for one moment stand in the way of the rectification or removal of that injustice or grievance; but Ministers' money was a charge upon property not upon persons, and every grievance connected with it was removed by the Bill passed in 1854 when Sir John Young was Secretary for Ireland. He looked upon the Church as subsidiary to the interests of religion, and he conceived that it did not tend to the advancement of those interests that the support of the Church should be based upon what was manifestly unfair; but, while he was ready to make that admission, he must, upon the other hand, say that he regarded as extremely wrong a line of policy which would induce the Legislature to submit to have palmed upon it as a grievance the existence of a state of things which, properly speaking, could not be regarded in that light. A plain statement of the origin of the tax would prove conclusively that it inflicted no injustice upon individuals. The Bill establishing Ministers' money was passed in 1665, and was contained in the Act of Declaration, 14th and 15th of Charles II., c. 2, which was in the following terms—

> "Provided always, that whereas the corporations of Ireland are now planted with English, who have considerably improved at their own charges, and brought trade and manufactures into that our kingdom, and by their settlement there do not a little contribute to the peace and settlement of that country, the disturbing or removing of which English would in many respects be very prejudicial, all such of the Popish religion of any corporations in Ireland, who have been for public security dispossessed of their estates within any corporation, shall be forthwith reprised in forfeited lands, tenements, and hereditaments near the said corporations, to the full value, worth, and purchase of such estate as they were dispossessed of within such corporation; and that particularly the Popish inhabitants of Cork, Youghall, and Kinsale shall have undisposed forfeited lands let out to them in the baronies of Barrymore and Muskerry, in the county of Cork, according to the respective decrees passed in that behalf. 34. That we do lastly declare that Protestant plantations shall be settled, corporations created, churches erected, maintenance for preaching ministers provided, within the limits and precincts of the lands so to be settled on the adventurers and soldiers, in such manner as the Commissioners to be nominated shall set down."

The provisions of that Act were specific; and if, after it, persons acquired property in these towns they did it subject to the liability under which the property was sold. He could not see how a measure of this kind could be regarded as a just proposition when its effect would be to relieve property bought under certain restrictions of the duties to which it was liable, and to deprive ministers of the Church of endowments to which they were entitled. The noble Lord at the head of the Government was quite right when he said two years ago that this was a question of property; because, clearly, it was a question of that nature, and not one of religion. In the system as originally carried out there were, no doubt, grievances, but all those had been amended. He would admit that the valuation on which the assessment was made had been unfair and inequitable; but the valuation of the Poor Law Board was now adopted in preference to the antiquated foundation, and there was no longer in his opinion any ground for complaint, either as respected the mode or the amount of the assessment. He thought that a final and conclusive arrangement had been made two years ago, and he trusted that the Government would not now disturb it. He would not refer in detail to the effect of this measure if carried; but he believed that it would set at nought the whole of the provisions of the Church Temporalities Act, and that it would most unjustly interfere with the distribution of the funds which were placed at the disposal of the Ecclesiastical Commissioners. He therefore hoped, that the Government would support his Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Six Months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MEAGHER said, he could not regard this as a question of property, but as one affecting the religious feelings of the public. The right hon. and learned Gentleman had alluded to the Act of Settlement, which was one of the penal Acts against Roman Catholics, and he had reminded them very appropriately that the Ministers' Money Act had followed as a sort of supplement to that measure. It was precisely because it was a relic of the penal code that he was anxious for its repeal. If Dissenters in England felt it a grievance to be called on to contribute towards the performance of divine worship, towards the building and repairing of churches, it must be equally a grievance to the Roman Catholics of Ireland to have to pay this tax. It was not true that the tax had always been payable on the property on which it was now charged—there were many new houses to which it had of late years been extended. As for the burden the abolition of the impost would throw upon the Ecclesiastical Commissioners, he had only to remark, that livings had lately fallen into their hands in the neighbourhood of Waterford more than sufficient to meet the additional charge.

MR. BLACK said, that although he was not locally interested in the immediate question before the House, yet he could not refrain from observing, that in the city which he had the honour to represent (Edinburgh) no tax was regarded as so oppressive or so unfair as the annuity tax—a tax similar in its nature to the charge of Ministers' money in Ireland. He considered that it was neither just nor equitable, that a man having paid for the support of the minister of his own religion should be called upon by his neighbour to contribute to the maintenance of the clergyman of a different creed; and the adoption of a contrary principle was the cause of much soreness of feeling, not so much on account of the amount of money to be paid as in consequence of the sense of injustice which the necessity for its payment engendered. In illustration of the truth of his position he might state to the House, that he knew an instance in which a magistrate in Edinburgh had been placed in gaol because he would not pay the annuity tax, and that he had seen a troop of dragoons in the same city selling the tables and chairs of persons, who, from conscientious motives, had objected to its imposition. The tax was one, he might add, which fell upon the tenant rather than upon the proprietor, and he should very much wish to know why those Gentlemen who were prepared to oppose the Bill before the House, upon the ground that it would tend to an infraction of a Parliamentary compact, had not taken a similar course upon the previous evening when a Motion, which also operated as an infraction of an Act of the Legislature, had been introduced by the hon. Member for North Warwickshire, Mr. Spooner.

MR. MIALL said, that after the decision which the House had come to with reference to the withdrawal of the grant from Maynooth, one would have supposed that those hon. Members who had voted in favour of that withdrawal would have been inclined to do the utmost justice to the parties whom they thereby wished to deprive of an endowment which for some years they had enjoyed. In all those questions, however, the right of the strong seemed to prevail; and it was upon that principle that our ecclesiastical policy seemed to be based. The defence of the injustice which that principle tended to inflict upon the weak was rested upon the plea of compact; upon the plea, in other words, that our forefathers had behaved unfairly, but that in doing so, they had made such arrangements as compelled their successors to tread in their footsteps. The tax under the consideration of the House had originated in confiscation, and had subsequently no doubt been confirmed by Act of Parliament. But was the House of Commons of the present day, he would ask, bound to lend its sanction to injustice, because it happened to be authorised by a law passed in former times? But it was said that Ministers' money was a charge upon property and not upon individuals. He, however, was at a loss to comprehend the distinction, inasmuch as the tax was founded upon the principle of taking property out of one man's pocket to place it in that of another. He must also observe that wherever new property sprung up it was immediately made liable to the payment of church rates, a charge which was also sought to be justified upon the ground that it was simply a tax upon property. Be that, however, as it might, he felt assured that if the House of Commons were to consult the peace and social tranquillity of Ireland, and of England too, they would take immediate steps to get rid of all those anomalies in the shape of taxes for ecclesiastical purposes, which were a great national grievance, and of whose justice no amount of argument could convince those upon whom the burden of their payment fell. Entertaining those sentiments, he should give his hon. Friend near him (Mr. Fagan) every assistance in his power in his endeavours to abolish a charge which pressed with great injustice upon a religious sect from which, but the evening previous, the House of Commons had decided upon withdrawing an endowment, for which the sanction of Parliament had some years ago been obtained.

Viscount BERNARD said, he must, in the outset of his observations, bear testimony to the very moderate manner in which the hon. Member for Cork (Mr. Fagan) had brought forward this subject. The question could no longer be considered by any one as a religious grievance. From the evidence taken before the Commissioners two or three years ago, it appeared that a strong opinion had been expressed by the clergy who received this money in favour of some amicable arrangement of the question. Those clergymen made a voluntary and considerable sacrifice in the hope of obtaining what they believed would be a permanent arrangement. The Bill passed two years ago transferred the payment of these dues to the Ecclesiastical Commissioners, and therefore it could not be urged that the clergy were in the slightest degree brought into collision with the inhabitants of those towns. He should add that in those towns a large proportion of the higher classes belonged to the Established Church. But the real question was, whether the payment was not a debt due upon property. The hon. Gentleman (Mr. Hamilton) had shown that the tax was imposed upon corporate towns at a time when no Roman Catholic could hold property, and therefore any Roman Catholic who had since bought property in those towns had taken it subject to this impost. The Government—the right hon. Gentleman the Secretary for Ireland—had said that they did not intend to disturb the settlement of a question so deliberately made. He (Lord Bernard) only rose for the purpose of calling the attention of the House to the circumstance that no religious grievance could now be urged against the question, which was simply this, whether or not the property of the country was liable to this tax.

Mr. HORSMAN said, that he would now state, on the part of the Government, the course which they thought it their duty to adopt. The question was one of much embarrassment; and if he (Mr. Horsman) was asked whether he was disposed to agree with the right hon. and learned Gentleman (Mr. Napier) in the conclusions he had come to, or with the noble Lord who had just sat down, he must say he should have great difficulty in doing so. They both justified the continuance of this measure on the ground that it is impossible it can be said that the tax was originally intended to apply only to Protestants, who were the only inhabitants of those towns at the time when it was made; and that now there was no justification for the Roman Catholics to say that they obtained no benefit from the tax. The right hon. and learned Gentleman said that the Protestants were the only owners of property in those towns at the time when the tax was first made, and that the Roman Catholics could not now complain of that tax, which was originally intended to apply to Protestants only. Now, the question relating to Ministers' money in Ireland was not, as at first sight it appeared to be, a local or an isolated question, it involved subjects of Imperial interest. It had been stated that the tax of Ministers' money did not depend upon persons, but upon property, and that it was the possession of property, and that alone, which rendered persons liable to the tax. Now, putting the matter upon that footing, it became one of a class of questions with which that House was familiar. In England there were the church rates, and in Scotland the annuity tax, both of which were defended upon the same ground. The fallacy of that argument appeared to him to be that it was assumed that that House had no right to entertain any principle which was contrary to law, however wise and politic it might be to make some alteration in the law; and it was matter of experience that the particular class of questions which had of late years been most urgently pressed upon the attention of Parliament was that which involved the consideration of liability to taxation as connected with property. The question of church rates was an example. In the year 1836 the Government of the day endeavoured to deal with that question; but in every subsequent Session some hon. Member had proposed a change, which successive Governments had year after year resisted until last year, when public opinion, acting through its representatives, defeated Government upon that question. During the present Session no less than three Motions upon the subject had been brought before the House, and at last Government, acting upon public opinion thus ascertained, determined, as a matter of policy, to support the Motion of the hon. Member for the Tower Hamlets (Sir W. Clay). Riots broke out in Edinburgh, and Mr. Shaw Lefevre was sent down by the Government. That question was also treated at law as one of property. Mr. Shaw Lefevre afterwards made a Report, embodying an attempt at a settlement, which unfortunately failed. Then, in the year 1852, a Committee of that House was appointed to examine the Report as to the annuity tax in Edinburgh. That was a question precisely analogous to the present. Now, what conclusion did the Committee come to? They reported that, both on account of the interests of religion, and of the peace and good government of the city of Edinburgh, it was necessary to come without delay to some settlement and decision of the question, in concurrence with the proposal of Mr. Shaw Lefevre. Now, the present was a much larger question than many hon. Gentlemen seemed to think. There were rallying against it a large section of persons, and a certain part of the resistance was made to it in England and Scotland, which induced successive Governments and successive Parliaments to come to the conclusion that some settlement ought to be accomplished. The question of Ministers' money in Ireland was, however, in some respects, different from the question of church rates in England, though the principle was exactly the same. In England, church rates were an old tax, and the origin of church rates was part and parcel of the Church law. The principle of the two complaints was precisely the same—namely, that the professors of one religion were compelled to support the professors of another. But in Edinburgh the annuity tax was not an old tax; and it applied exclusively to the ministers of the Established Church in Scotland. The two cases, however, were precisely analogous in principle. The hon. Member for Cork (Mr. Fagan) by great perseverance and energy—accompanied by great temper and judgment—continued to urge his view of the question, until, in 1854, his (Mr. Horsman's) predecessor in office was compelled to undertake some legislative measure. The right hon. and learned Gentleman (Mr. Napier) had distinctly said that this was a great grievance, and he had pledged the Government of that day (the Earl of Derby's) to some legislation on the question. That pledge was not a mere form of words, but a promise that there should be some final settlement of the matter. The right hon. and learned Gentleman admitted the grievance, and said that some remedy ought to be applied, but he seemed to have committed himself to giving a pledge without having resolved in his own mind how that pledge was to be fulfilled. He (Mr. Horsman) would now consider the Bill which had been brought in by Sir John Young. Great difficulties undoubtedly attached to the subject, but those difficulties had been immensely increased by the recent legislation on the question. There was nothing by which the Government was so much impeded as by the Act of 1854. That Bill was a sort of compromise between conflicting parties. But he thought it was a sort of mistake, as, indeed, every small compromise of a great question always was. What was intended to be effected by that measure was as follows—1st. The alleviation of a grievance complained of under the existing tax; 2nd. To relieve the ministers from the odium of being themselves the collectors of the tax. To accomplish the first object, there was a provision to exempt all houses under £10 in value from the operation of the Act. Their contribution was about one-fifth of the whole. The whole sum raised was about £15,000, of which the portion contributed by houses under £10 in value was only £3,000 a year. The remaining five-sixths were contributed by houses above £10 in value. So that, although they were relieving a great number of persons, the relief was only nominal. Those houses had paid, some 1*s.* and others 2*s.*, so that, in fact, the ministers would not take the trouble and incur the odium and expense of collecting it, and therefore altogether abstained from claiming it. They relieved, in fact, a class of houses which practically made no payment whatever. Under those circumstances, he had been surprised to hear the right hon. and learned Member (Mr. Napier) say, that the incomes of the clergy were diminished by that Bill. The measure certainly had the effect of relieving the clergy, by throwing the burden of payment upon the members of corporations and the guardians of Poor Law Unions. The Municipal Boards were to advance to the paymaster of the civil service, and if that were not done the payment became a Crown debt, and there was a power of recovery if that debt was not paid. The fact was, that in relieving houses under £10 they went upon wrong data—they did not smooth down any of the discontent raised by the previous state of things. But the real mistake was, that they took from under the feet of the right hon. and learned Gentleman the principle upon which he was now taking his stand. How could they consistently say that the owner of a £10 house was to pay this tax, but that the owner of a house worth £9 19*s.* 11¾*d.* was not to pay it, if that were a question of principle, and not of property? Then, instead of giving the clergy an uncertain and precarious income, they gave them £75 per cent upon whatever they were entitled to in the year 1853, to be paid by the secretary of the Church Commissioners. They threw the payment upon the municipal corporations and the Poor Law Guardians, who were mostly composed of Dissenters, the very persons who complained not only that they made them pay the tax themselves, but compel the payment by others, who had conscientious objections to do so upon religious grounds. With respect to every one of those Municipal Boards, they had met to record their determination not only to resist payment of the tax themselves, but not to allow others to pay it. When he (Mr. Horsman) was in Dublin, a large deputation waited upon him, who stated, in strong and decided terms, but in language respectful to the Government, that they would resist the payment of the tax to the uttermost. That was the communication which had been made to him, though at the same time, it was not to be supposed that any Government would give up its duty. Although he had felt it to be his duty to make that statement, yet he must add that it would be the duty of Government to see that the tax was paid. The third omission in the Act was, that of the means of proceeding against those corporate bodies. Some of them, as he was advised, had no property. Whenever that was the case, if the parties—as the right hon. Member for Oxfordshire (Mr. Henley) had said a short time previously—were not worth the powder and shot, the Government would be unable to proceed on that ground. Another provision in the Act was, that the tax might be redeemed at fourteen years' purchase. The result of the returns showed that that provision was not worth much, for it appeared that there was only one single individual in the city of Dublin who had taken advantage of it and had redeemed the tax. A fifth provision was, that of throwing the payment upon the Ecclesiastical Commissioners. The hon. Gentleman who moved the second reading referred to the origin of the Ecclesiastical Commission. That was an unfortunate precedent; for it showed that the relief proposed was not suggested by the necessities of the case, but had its origin in a recent Act of Parliament. For the reasons, then, which he had mentioned, first, that the attempt to alleviate the grievance of the tax by exempting houses under the value of £10 a year had proved an alleviation merely nominal; secondly, that the collection of the tax had been thrown into the hands of those very persons by whom the opposition to it was chiefly carried on; thirdly, that from the defective machinery of the Act there was great difficulty in enforcing it; and, fourthly, that the power of redemption had proved inoperative; he was disposed to look upon the Act with no great degree of favour. He (Mr. Horsman) willingly confessed the difficulties in which the Government now stood. If the state of the law were not what it was, he should have shrunk from an annual contest of this kind; he should have considered it better to make some concessions; but now no alternative was left to the Government—they were bound to proceed firmly, manfully, and upon principle—they were compelled to carry out the law. Upon the part of the Government, then, he (Mr. Horsman) had stated the views they adopted, leaving it to be inferred that every means of carrying out the present system had been tried in vain. The question had long engaged the attention of Government, and he had carefully endeavoured to ascertain by what means a legislative change might be made which might do justice and be satisfactory to all parties — a result which could only be arrived at by all parties in the House concurring in not making this a party question, but endeavouring to obtain such a settlement of it as would ensure general approbation. He could not, however, resume his seat without drawing the attention of the House, and especially of the noble Lord the Member for the City of London (Lord J. Russell) to a clause in an Act of Charles II., which removed the duty of collecting church rates from the churchwardens to the ministers. The Act recited that, whereas the duty of collecting the church rates had been thrown upon the churchwardens of the different parishes; and whereas that portion of the duties of churchwardens required by the existing Acts was, in many respects, grievous to such churchwardens, the duty of collection was then removed from them and thrown upon the clergy of the Church of England. If such duties were grievous to churchwardens, let the House consider how irksome they would be if they were thrown upon corporate bodies. As soon as they could see their way clear, the Government would be prepared to act; and if the right hon. and learned Gentleman thought that the question required settlement, let him remember that the Government of which he was a member, gave a pledge that they would consider the subject. He (Mr. Horsman) believed that some arrangement might be made which was safe, just, and satisfactory to all parties.

Mr. NAPIER said, the right hon. Gentleman the Secretary for Ireland had told the House he was quite sure that when he he (Mr. Napier) had, as one of the Law Officers of Lord Derby's Administration, admitted the necessity of settling the question, he must have had in his mind some specific plan for the accomplishment of that object. The right hon. Gentleman was quite correct in that impression; and he should add, that he only regretted the right hon. Gentleman himself was not as frank upon the present occasion as he (Mr. Napier) had then been, for he had distinctly stated to the House the exact nature of the measure which he then meant to propose. That measure was one which would substantially embody the recommendations of the minority of the Committee which had inquired into the subject, and in which Sir John Young had concurred. The right hon. Gentleman had said that this was one of the class-property questions. But, if it were so, did it become Government to encourage a certain class of men to resist the law? The right hon. Gentleman had also said that in case of the failure of payment on the part of the occupier the Act afforded no means of enforcing its payment. He (Mr. Napier), as a lawyer, would venture to say that there were such means. The Bill was endorsed with the names of Sir John Young, Mr. Keogh (the then Solicitor General for Ireland), and also of the noble Lord (Viscount Palmerston), who supported the measure throughout. It was read a second time on the 20th of March, 1854, when the numbers were—Ayes 203, Noes 97; majority 106; and among the names of its supporters were the present Solicitor General, the present Secretary of State for the Home Department, and the noble Lord the Member for King's Lynn (Lord Stanley), who made a distinction between the case of Ministers' money and church rates. The right hon. Gentleman (Mr. Horsman) had said that the Bill of 1854 had not yet had a fair trial; but why did not the right hon. Gentleman let it have a fair trial? Ministers' money was a direct tax upon property, and not, like church rates, a tax upon the person in respect of property. The abolition of church rates in Ireland was expressly grounded on that distinction, and Ministers' money was retained because it was a charge on property. At the same time he would admit that there had existed great inequality and injustice in the mode of collecting the tax, and Sir John Young proposed as a remedy, that all houses rated at and under £10 per annum should be totally exempt. It was argued that by making this exemption the principle of the tax was given up; but the evidence which poured in upon the Committee established the fact that the pressure of the tax upon the small occupiers constituted the principal grievance. The moment, however, it was proposed to remove that grievance an objection was raised from the most unexpected quarter—namely, those who themselves complained of this grievance. He remembered that one of the witnesses examined before the Committee, who was most decidedly opposed to the continuance of the charge, said he did not wish to have that portion of the grievance removed, because he was anxious it should remain in as objectionable a condition as possible. He (Mr. Napier) said that wherever there was a charge upon property no legal objection could be raised to its payment; and he would tell the Government of this country that if they were to throw doubts on the validity of the claim to Church property, they would shake the title to all kinds of property in the kingdom. If the Government thought that there was anything objectionable in the mode in which the money was at present collected, why did they not propose a measure to place the collection on a better footing? Why had the right hon. Gentleman come down to the House that day to make a speech calculated to inflame popular prejudice against the existing law? If the right hon. Gentleman thought that the tax was in itself objectionable, he ought to have frankly made a declaration to that effect, and expressed his readiness to aid in any effort to obtain its removal. That would have been a manly if not an honourable course to pursue. But it was not consistent with the duty of a Government that one of its members should come forward and denounce a tax levied under a law which he was not prepared to repeal—that he should state he was disposed to retain the law and to give it a fair trial, but that there were no means of enforcing its execution—that he should add he had received a courteous visit from a deputation determined to evade the law—that he gave them to understand that he would be prepared to consider the question in the course of a little time, meaning, probably, when he should have a seat on that (the Opposition) side of the House—and that in the meantime he would keep it as a convenient nest-egg. He (Mr. Napier) could perfectly understand the course which the hon. Gentleman the Member for Edinburgh (Mr. Black) and other Gentlemen would pursue upon questions of that kind. Those Gentlemen were so fond of the voluntary system that they would actually make its adoption compulsory—they would sweep away all endowments, no matter by what title they were held; but their views were at least consistent, and were frankly avowed. But where was the consistency of the right hon. Gentleman? Where was the fair trial he said he was prepared to give the existing Act?

Mr. HORSMAN said, he must beg to interrupt the right hon. and learned Gentleman. He had never said a word about a "fair trial." He had merely said that the Government were compelled, under the existing law, to enforce, as far as possible, the payment of the tax; that they would enforce it if they could; and that if they could not, they would try to propose some arrangement in its stead.

Mr. NAPIER said, he had understood the right hon. Gentleman to say that there was to be a fair trial of the existing law, and if the right hon. Gentleman did not mean that, what was he waiting for?

Mr. HORSMAN said, that the Government had consulted the Law Officers of the Crown for the purpose of ascertaining what steps they should take for the enforcement of the existing law; they were taking proceedings under the advice of those officers, and they were waiting for the result of those proceedings before they determined what future course they should pursue.

Mr. NAPIER said, he certainly thought that the right hon. Gentleman had stated that the great defect had been left by Sir John Young in the Act—namely, that while insisting upon the necessity of the enforcement of the payment, no means were given for carrying out its provisions, and that, therefore, in truth, the Act was abortive. It was very true that in Ireland church rates had been dispensed with, but no argument could be drawn from that that Ministers' money should be done away with, because it was originally put as a charge upon property, and he was struck with the words of the oath which the right hon. and learned Gentleman opposite, the Attorney General for Ireland (Mr. J. D. FitzGerald), had just taken: "I do swear that I will defend to the utmost of my power the settlement of property in Ireland." He was struck by that part of it, as it related to the settlement under the Act of Charles the Second. Great encouragement was given to Englishmen at that time to go over to Ireland and colonise it, who went over with English views and English feelings, and the Crown had a perfect right to deal with them according to its bounty, or to make any charge upon the property given to them for the support of the Protestant religion, which it thought fit. But if in process of time the property which was subjected to that charge passed out of their hands into that of Roman Catholics he was at a loss to understand the injustice of its retaining this charge. Supposing that he bought an estate in the Encumbered Estates Court to-morrow which was subject to an endowment for the maintenance of the clergyman, what right would he have to say, "I do not agree with these religious opinions?" and thus raise a question of religious grievance. The reply was obvious enough, "It is a charge upon property, and you have taken that property subject to such a charge." Independent, however, of that, he was prepared to say that in the majority of instances the owners in fee of the property upon which this charge was made were, in a very great proportion, Protestants; and, so far from it being a tax upon the tenant, it in point of fact regulated the rent, because the first question asked was, "What is the amount of the Ministers' money?" and those houses upon which no such charge was made were always let at a proportionally greater rent. The right hon. Gentleman the Secretary for Ireland had tauntingly asked whether in point of fact the fees of the clergymen had been diminished in consequence of the refusal to pay Ministers' money? He had no hesitation in saying that they had, and he had supported the views of Sir John Young in bringing in his Bill partly on the ground that this was a charge upon property made by the Crown at a time when it had power to put it upon that property. Those who afterwards obtained possession of that property took it subject to all the charges to which it was legitimately liable, and he thought it was proved, by the testimony of Roman Catholics themselves, that upon all occasions the ministers who were the recipients were most respectable and honourable men. There could be no doubt that the Crown had a perfect right to charge the property in question for the support of the ministers, and if they took it away how was the deficiency to be supplied? Where was the money to come from? It would be relieving the Protestant proprietor from the necessity cast upon him of supporting his own minister, and doing no good whatever, except in a few isolated cases, to Roman Catholics. It might be said that the money should be paid out of the Ecclesiastical Commissioners' Fund; but that income was made up from the taxation of the clergy, and it was, in fact, exhausted, because in the very last Report of the Ecclesiastical Commissioners, issued not long ago, they say—

> "With regard to the purposes to which that money should be applied—the repairing and building of many churches recommended to be built—they must necessarily be postponed, because the sum available is quite insufficient either for that purpose or the augmentation of small benefices under the Church Temporalities Act."

When church cess was abolished it was thrown as a charge upon Church property, and the whole possessions of the Church were not adequate to meet the lawful demands upon them. If, therefore, the Church had not sufficient property already, and the funds of the Ecclesiastical Commissioners were exhausted, was it just or fair to abolish Ministers' Money, the result of which would be to afford relief, not so much to Irish Roman Catholics as Protestants, who were to a very great extent the proprietors of the houses upon which it was leviable? But why introduce the religious element into the question at all? It was a question of property alone; and if it was argued upon that assumption, he was quite willing to listen to any suggestions to simplify the remedy for its collection. But he did say, that, as a question of absolute and abstract resistance to the law influenced by religious prejudice, he thought it unworthy of the Government to listen to it for a moment. The right hon. Gentleman (Mr. Horsman), he should have thought, would have been the last to have interfered with the rights of property in Ireland, and, indeed, he gathered that he did not mean to support the Bill of the hon. Member for Cork (Mr. Fagan) on the present occasion without first ascertaining whether means could be provided for enforcing the payment in question. Up to the passing of Sir John Young's Bill it was always alleged that this tax was an impediment to the improvement of property, thus showing that it was considered entirely a landlord's tax. Sir John Young's Bill stopped that, and prevented its extension to any new houses. Whatever might be said of Sir John Young, he (Mr. Napier) would say that persons filling similar offices should apply themselves with the same industry and ability as he had to the amelioration of Ireland, and then something might be done. But although it was very easy to criticise, it was not so easy to apply a remedy; and no attempt whatever had been made by the right hon. Gentleman who supported the Motion to suggest any such: so that whatever might have been the difficulties of the question before, he did not think that those difficulties had been removed by the speech of the right hon. Gentleman. He thought that the application of the principles of Sir John Young's Act to enable the owners of property to redeem it, might, perhaps, be attended with benefit, but he would never countenance an open resistance to the law of the land; and to the release of the property from a just charge, in the manner now suggested, he would never give his consent.

Mr. J. D. FITZGERALD said, that the right hon. and learned Gentleman had appealed to him more in the character of a lawyer than in that of a politician, and in that light he would answer him. When the Bill of Sir John Young was introduced in 1854 he (Mr. FitzGerald) opposed it in several of its stages, because he was fully persuaded that as a measure of relief it was a deception, and its provisions mischievous and unjust; but he could not forget that when the right hon. and learned Gentleman opposite (Mr. Napier) proposed to deal with this question in 1852 his propositions were, to a great extent, of the same nature as those embodied in the Bill of Sir John Young, in 1854. He (Mr. FitzGerald) certainly did not understand his right hon. Friend (Mr. Horsman) to say that the difficulties in the way of recovering this rate were insuperable, but that great legal difficulties existed, and that the Government would be involved a collision year after year with corporate bodies. As a law officer of the Crown he had endeavoured (excluding mere political and sectarian views) to ascertain whether the Act of 1854 could be efficiently carried out, conceiving it his duty to carry out the law, and not to pause and question its policy. What was the state of affairs now? By the Act of 1854 an alteration in the law was effected, and the collection of this tax, which was before effected by the clergy, was imposed on certain corporations and poor law Guardians. These bodies had complained that so invidious a duty had been cast upon them, and had expressed their determination to resist, and there was reason to suppose that they would not collect the tax. They had then to look at the Act of Parliament, in order to see what remedy could be suggested. The tax was made a debt to the Crown, and he did not mean to say that there was not sufficient existing means to enforce a debt due to the Crown; but the Act of Parliament had rendered corporate bodies, and not individuals, liable, and payment of the amount could only be enforced against the property of the corporation. The tax, therefore, having become a debt due to the Crown, the question was, how was the Crown to proceed to recover the amount? The right hon. and learned Gentleman said, by *mandamus;* but he (Mr. J. D. FitzGerald) apprehended that the Crown could not go into Court for a *mandamus*, as there were other remedies; and that the means by which the Crown could recover the money, after default, was by information or extent. But against whom was the Crown to proceed? Evidently against the corporate bodies, and not against any individual. Then, this anomaly arose—many corporations had no property. Such was the case with Limerick, which, by a judgment in the Court of Queen's Bench, had been deprived of its old property in tolls, and had, therefore, obtained a special Act to levy rates; but the effect was that such a debt as that he had alluded to could not be defrayed out of the corporate property, because none existed, nor out of the rates, because they were devoted by Act of Parliament to special purposes. The same was the case with respect to the corporation of Kinsale, and other bodies subject to the tax. In fact the whole question was beset by difficulties, which the Government were engaged in an endeavour to overcome. The right hon. and learned Gentleman opposite (Mr. Napier) had said that in his view this was a tax on property, but he (Mr. J. D. FitzGerald) apprehend that the true light in which to look at it was not as a property tax, but as a tax on persons; the ability to pay it being ascertained by the occupation of property. The right hon. and learned Gentleman had alluded to the oath just taken by him (Mr. FitzGerald) at the table of the House, and alluded to it in a manner which compelled him to rise. He wished to assure the House that he had attended to every word of that oath, with the conscientious intention fully and faithfully to observe every word of it; but if he thought that the true construction of that oath had the effect of restraining in any degree his perfect freedom of Parliamentary action, or prevented his voting as he thought right upon all the questions brought before them, he would at once vacate his seat. He could not, however, believe that the Catholic oath, or any other oath taken by hon. Members, did, according to the true interpretation, fetter the freedom of Parliamentary action. Many distinguished persons agreed with him in this view. He should be prepared at any time to meet Gentlemen opposite in debate on the subject, and for the present contented himself with this statement.

Mr. WHITESIDE said, that the right hon. Gentleman opposite (Mr. Horsman) was very often in the habit of sneering at his predecessors in office, who, he (Mr. Whiteside) thought, had dealt by him with great fairness and moderation. But he ventured to be of opinion that what had been suggested by himself and his right hon. and learned Friend near him was neither wrong in principle nor injurious in practice. He considered that he had discovered that the right hon. Gentleman the Chief Secretary for Ireland belonged to that party who spoke one way and voted the other. Seemingly affected by the air of Ireland, the right hon. Gentleman had made a very Irish speech. He said, the Act of Sir John Young, which this Bill proposed to repeal, was impracticable, mischievous, and absurd, and therefore he would support the Amendment of the hon. Gentleman the Member for the University of Dublin (Mr. Hamilton) to read that Bill a second time that day six months. Could any one understand that course of conduct? But the right hon. Gentleman (Mr. Horsman) gave them hope in the future; for, although he had been meditating on the subject many months without its resulting in any measure, yet a year or two hence he might bring in some Bill to remedy what he declared to be a great abuse. Were they quite sure that two years hence they would enjoy the inestimable blessing of the right hon. Gentleman occupying an official position? Was the right hon. Gentleman himself so certain that his Administration was growing in public opinion in Ireland? He begged to remind the right hon. Gentleman that the Bill of Sir John Young was supported by Mr. Keogh, who had recently been made a Judge by the present Government, and that the noble Lord at the head of the Government thus expressed himself with regard to this much condemned impost:—

> "He would beg the hon. Gentleman (Mr. Maguire) and those who acted with him, to consider what was involved in the principle they advocated—that no person of one religion should ever be called upon to contribute to anything connected with another. * * * This tax had nothing to do with any religious question. It was a tax upon property, and it would be perfectly preposterous to make the rate upon a house dependent upon the religion of its owner. Was the imposition or non-imposition of the tax to be regulated by the religion of the head or of the immediate landlord? or was it to depend upon the religion of the occupier? If they adopted any such principle as that of the proviso, they would be involved in endless absurdities. The tax was one upon property, to which every man knew that he was liable when he purchased it, and had really nothing whatever to do with religious feeling."—[3 *Hansard*, xxxi,, 1378.]

He saw no principle in this Bill. For example, in the parish of St. George, Dublin, in which he resided, the Protestant householders were as nine or ten to one. What practical grievance, then, could there be when the greater portion of the rate was paid by Protestants? He hoped, when next a deputation waited upon the Chief Secretary for Ireland, submitting that they did not want to do their duty, he would give them for answer, that they ought to do their duty; and, notwithstanding the opinion of the right hon. and learned Gentleman the Attorney General for Ireland, he did not doubt, where the State imposed a duty, the common law would be found strong enough to enforce it.

MR. MAGUIRE: I have listened with almost breathless interest to the speech of the right hon. Gentleman, the Chief Secretary for Ireland, and during the course of that remarkable address, I have experienced every kind of moral atmosphere; at one moment I have glowed with hope, at another chilled with despair. He has led me with one sentence to the confines of hope, and with the next has drawn me back; and after tantalising my mind by a variety of emotions, he has at length, by his unaccountable wind-up, given the *coup de grace* to all illusions. What has the right hon. Gentleman done? He has rendered the tax more unpopular, and resistance to it more just, than ever. The people affected by it are under great obligations to him for his extraordinary speech. Like the client whose case was detailed by Curran, they will think, when they read that speech, that they were never so wronged before. But what does he do, after all his eloquent exposure of the blunders and oppressiveness of the Bill of his predecessor in office? Does he come forward, as the organ of the Government, and tell the House that he will repeal that heap of blunders and free certain towns in Ireland from an odious and allowed imposition? No, but he tells the House that he will search amidst the legal armoury of Dublin Castle for some rusty but ingenious thumbscrew, under the pressure of which he will endeavour to extort the tax through the forced acquiescence of the corporations which have indignantly proclaimed against it. Let me be candid with the House, and especially with English gentlemen, and tell them this tax cannot be collected, but will be resisted. If the right hon. Gentleman persevere in his attempt, he will only ensure this result, that he will bring about violence, collision, scandal, and discontent. If the Catholics alone were hostile to this tax, perhaps I might not be able to speak so confidently; but every corporation, consisting of Protestants equally as of Catholics, is unanimous against putting the present law in operation; and of this determination the right hon. Gentleman had abundant evidence in the constitution of the deputation that waited on him in Dublin. What does the right hon. Gentleman hope for?—does he imagine that, after his exposure of the defects, of the bungling, of the oppressiveness of the present law, that it ever can be enforced? I tell him it cannot. I tell him, advisedly and with all deliberation, that the Corporations are resolved on not acting; and that, should an attempt be made against the members of those bodies, they are resolved to abide the result, in their pockets and in their persons, and that in the full confidence of the sympathy and support of the public whom they represent. It is better to let this matter be openly stated, so that the House may understand more clearly the difficulty upon which, for a contemptible result, the Government are persevering in a course as futile as ill-judged. After his exposure of the law, his analysis of its glaring defects, can the right hon. Gentleman calculate on the slavish acquiescence of indignant communities, to give life and action to the wretched mass of blunders which he has himself exposed. If he do, I assure him he will be mistaken in his calculation. The hon. Gentleman who moved the Amendment (Mr. Hamilton) flung down a challenge which I willingly take up. He first laid down as a proposition that to which I willingly assent,—that religion is not benefited by injustice, or served by a grievance; and he added, that nothing was so despicable as to palm off an imaginary for a real grievance. In this I also fully agree. But is there a real grievance, or is there not? Let us see—Cork is one of the places in which this tax is collected, and in round numbers the population of that city is little less than 100,000. Of that large population, how many are Catholics, and how many Protestants? The Protestants are about 15,000, while the Catholics are about 80,000. Now this tax is, it is quite true, collected from reluctant Protestants; but it is collected from the mass of the population for the support of ministers of a different faith. In Limerick, the population is almost wholly Catholic; for out of a population of 56,000, there are not more than 6,000 Protestants. Waterford is also an eminently Catholic city; and from the Catholic inhabitants of these and other cities and towns, this odious tax was collected, and is still sought, if the Secretary for Ireland can succeed in finding out an efficient thumb-screw, to be enforced. I ask any hon. Gentleman is that a real or a fictitious grievance? The hon. and learned Member for Enniskillen (Mr. Whiteside) would give a different idea of Dublin, by his selection of a single parish, St. George's. It may be quite true, as he states, that the inhabitants of that wealthy parish are principally Protestants, and that it contains but few Catholics. I am quite willing to take his own statistics; but I think his representation is more ingenious than candid. He has dealt with the question with somewhat of nisi prius dexterity. Let me ask that hon. and learned Member, is St. George's the only parish in Dublin, or is it a fair type by which the House can judge of the entire city? Are there no parishes of Dublin in which the tax is collected, and in which the Catholics as largely preponderate as the Protestants do in St. George's? For what object was this tax originally imposed? For what is it now collected? For the "cure of souls." Whose souls? Not those of the majority, who still pay it, but of the minority. Which is this—a real or an imaginary grievance? I would appeal to the honour, to the conscience, to the sense of justice of any hon. Gentleman, is it a fair or a just imposition? Could I take hon. Members from the heated atmosphere of this island, inflamed as it is by the efforts of fierce zealots, I would then put the question to them with the certainty of this answer—that it was an outrage on conscience and on liberty. And this was the feeling under which the corporations, now made the instruments of enforcing the tax, acted, when, year after year, they petitioned and prayed for its abolition. This was the feeling in which they loudly protested against the Bill of Sir John Young's invention—not so much because it was defective in its details, absurd in its provisions, impossible of being worked—but because it was bad in its principle. Reduce the tax to a shilling, and compel the Catholic to pay that shilling for the support of a hostile Church, and it is still an outrage on his conscience, to which no wise Legislature ought to submit him. Let it not be said that the representatives, the corporations, or the people of Ireland are in any way responsible for the law now inoperative from the blunders of its authors. Remonstrances were frequently and urgently made in this House —meetings were held to petition against it—and those provisions were placed on that table; but Sir John Young took, as I think, a malicious satisfaction in thrusting an odious task on indignant public bodies, which had been the very organs through which the people had protested against his Bill. The corporations now to be coerced, if means can be discovered to do so, will not endure the stigma of being made the collectors of the tax—the distrainers and worriers of their fellow-citizens; and the wisest course the Government can take, is to deal in a bold and manly fashion with this pitiful grievance, and wipe the miserable oppression at once from the Statute-book. But the Government exhibits its helplessness, but will not manifest its courage; it is content to irritate, and not bold enough to redress. Much has been said about this tax being a burden on property—a thing paid by the landlord. This is all a mistake. It is a tax not so much on the house as on the tenant who occupies it; it is on the individual, not upon the property. The house is, as it were, the instrument—the occupier the victim. I assert that the tax does not enter into the consideration of the tenant and the landlord with respect to the rent; houses are taken and bargains are made without the least consideration of the Ministers' money, which the landlord or owner has nothing to do with, and which the tenant pays as a matter of course; so that it is not a burden on property, but a tax on the individual. Take a case which often happens. There is a bare piece of ground not subject to the tax; a house is built on it, and its owner makes his bargain with the occupier for the rent. That is all settled when the Ministers' money valuator comes, includes this house, and compels the individual who occupies it to pay according to the valuation. To say that the owner pays it, as a tax on property, is therefore absurd. But whether it be or not, it is an outrage on conscience, and an offence against civil liberty, which ought to be got rid of. For the sake of peace and mutual charity, I principally desire its abolition; for so long as it remains, in any shape or in any form, there cannot be that mutual confidence which is so much to be desired. I willingly bear my testimony to the merits of the Protestant clergy of the city which I know best. I have the happiness to be on intimate terms with some of them, and I find that they are foremost in good works—that they cordially unite for humane objects, and for promoting the intellectual advancement of the community. But I tell Protestant Members in this House, that they would be the best friends of the clergy of their own persuasion in Ireland if they freed them from the odium of being paid, by any process, from the pockets of their Catholic fellow-citizens; for so long as the Catholic is compelled to pay one sixpence, against his conscience, to a clergyman of another creed, he feels that he is still a slave, and that the recipient of the tax is his oppressor, the representation of a dominant and hostile Church. If hon. Gentlemen will read the Report and evidence of 1848, they will find that the right rev. Dr. Higgin (Bishop of Derry) denounced this tax, and characterised it as "a fretting sore," which could be healed only by its abolition. It was not to the mode of collection so much as to the principle that he was opposed. There were other Protestants, besides that distinguished person, who condemned the tax on principle, and who advocated its repeal, and not the shifting of the burden from shoulder to shoulder. At any rate, let the Government distinctly understand that the cities now subject to it will not be content with any new mode of collection, however ingenious. It is to the tax as an outrage on conscience, rather than as a burden on the pocket, that they object to and will resist its further imposition. The noble Lord at the head of the Government paid all kind of graceful compliments to the Catholics of Ireland last night on their loyalty, their peacefulness, their bravery and their devotion; and I ask the Chief Secretary for Ireland is his contradictory speech, is his extraordinary conclusion to it, the means by which that loyalty and devotion are to be repaid, by which that peace and tranquillity are to be maintained? I call on the House, I call on the Government, for every reason—because of the utter confusion into which the present law has driven them—because of the hopelessness of inducing the people subject to the tax to pay it, or the corporations to collect it—and because it is hurtful to the religious feelings of the majority of the inhabitants—to get rid of it and the impost for ever. Parliament, as the representative of this great Empire, has great and important matters to attend to, from which it is distracted by a miserable topic of this kind; but so long as the law is suffered to exist, so long must these discussions take place. I would therefore implore the House, most earnestly and respectfully, to agree to the second reading of the Bill of the hon. Member for Cork.

Mr. Serjeant O'BRIEN said, that the defects of the Bill of 1854 were defects in principle as well as in machinery. If that Bill had been just in itself, and if the duties imposed by it on the corporations were such as might justly have been cast on them, he could understand how a want of proper machinery might be a reason for coming to that House to ask for fresh powers to enable the Government to enforce the Act. It was, however, admitted that the Bill was bad in principle and defective in the machinery, but it was said that instead of seeking a total repeal they ought to consent to discuss a measure, which did not interfere with what was bad, but merely sought to improve the machinery. A good deal had been said of the nature of the tax, and of the distinction between a tax on persons and a tax on property. His answer was, that this was a tax on persons in respect of property. It was said this was a tax which had been imposed on property by the then owners of it; but in looking to the Act of Charles II., he did not find the Crown was owner of the property when the tax was imposed. The city of Dublin was the only place mentioned in the Act, but it empowered the Lord Lieutenant in Council to make appointments in towns and levy 1*s.* in the pound for the purposes of the Church. It was only within the last 100 years that the tax had been imposed on Kilkenny. The Bill of 1854, by diminishing the amount and exempting certain houses, disposed of the argument as to principle, and showed that the House of Commons had a right to deal further with the tax. The foundation of that Bill was that the tax made the clergy obnoxious and created ill feeling, and should be reduced ; surely it would be only carrying out the same principle now to repeal the Bill. It would be much better for Her Majesty's Government to give their assent to the repeal and reverse the Act ; if they did so they would earn the approbation, not only of the members of his profession but of a great number of Protestants. The town council of the city which he had the honour to represent, many of whom were Protestants, were unanimous in their anxiety to have the tax repealed.

Lord JOHN RUSSELL said, he wished to say a few words on the subject, as he had been referred to by his right hon. Friend the Chief Secretary for Ireland, who had pointed out what he contended were a number of defects in the existing Act. Without going into a detail of those defects, he (Lord John Russell) would say that one at least of the objections was unfounded, namely, that by relieving all houses under £10, they had given up the principle of the tax. He denied that inference. An individual interested in the proceeds might, if he found that it pressed too heavily on the poor, to whom 1*s.*, 6*d.*, or 3*d.* was an object, give up a portion of his claim, without abandoning his right, and he (Lord John Russell) conceived the Legislature had the same power. In the case of the tithes in Ireland they had given up 25 per cent. It was also stated by his right hon. Friend (Mr. Horsman) and by the Attorney General for Ireland that defects existed in the machinery of the Act, that the corporations in Ireland would not carry it into effect, and that there were great difficulties in finding means to oblige them to carry out its operation. That, however, did not in the least diminish the right to enforce the tax, though it might throw difficulties in the way of the machinery. If such was the state of the case, he very much wished that his right hon. Friend had declared precisely what the intentions of the Government with respect to this question were. It appeared to him that there were only two courses open to the Government ; one was to declare that they would put the existing Act into operation, and apply to the Court of Queen's Bench in Ireland to see whether they could not enforce it, and if they found the measure was defective, bring in an amended Bill by which the mode of collection might be improved. The other course was to adopt the plan of the hon. Gentleman who had brought forward the Bill—a course which he must say he thought far from being without defence—to say that really this same tax was not worth the contests it occasioned—and that there were sufficient means to supply the wants of the Protestant Church in Ireland. He was quite ready to adopt either of these two courses if proposed by the Government, but he must confess that for the Chief Secretary for Ireland to come forward and say that though he had considered the matter for a long time, he was not prepared at present to adopt either principle, but would leave the matter to agitation, was by far the worst course. He would certainly vote with the Government against the Bill, but he trusted that the Government of Ireland would not leave the matter in suspense, but take either of the two courses he had referred to ; he could not conceive there was any third course. Let them enforce the Bill of Sir John Young, in favour of which his noble Friend now at the head of the Government had, when Home Secretary, expressed so strong an opinion ; if they took that course he was quite ready to support them, or he would support them if they proposed to do away with the tax altogether, and so give peace to Ireland.

Mr. HORSMAN said, he must beg to explain that the first course referred to by the noble Lord, the Member for the City of London, was the course which the Government was adopting—namely, that of taking proceedings in the courts of law.

When the result of those proceedings were known, it would then be for the Government to consider what could be done to meet the question.

Mr. FAGAN said, he had naturally supposed that, when the right hon. Gentleman (Mr. Horsman) acceded to office he would have induced the Government to adopt the views which at all times, when out of office, he had expressed in favour of a total abolition of Ministers' money. When he found the Government coming down and supporting a measure for the abolition of church rates in England, an impost amounting to £700,000 a year, he did suppose that, as there was no difference in principle between church rates in England and Ministers' money in Ireland, the time had come when he might cease to be a humble agitator in this question. He owned he felt deeply disappointed at the course which the Government had intimated they intended to adopt with respect to the Bill now under consideration. The Chief Secretary for Ireland had made an eloquent speech in favour of the measure which he (Mr. Fagan) proposed. Was it his object to strengthen the hands of the Government upon a future occasion for the agitation of this question? That, surely, was not a manly course to adopt. In England the refusal to pay church rates was to be a sufficient ground of exemption. In Ireland there had been also an absolute refusal to collect this tax, and upon the same grounds that the Government supported the abolition of church rates they ought to support him. The right hon. and learned Member who had moved the Amendment had said that if he could be sure that this measure was not a sham or a delusion he would be found among its supporters; but did he believe there was no injustice in collecting a religious tax from eight towns, principally inhabited by Roman Catholics, and exempting from the tax all the towns inhabited mainly by Protestants? He trusted that those hon. Members who usually supported the Government would rather incline to support the arguments and the statements of the Chief Secretary for Ireland than the course which that right hon. Gentleman had adopted as a Member of the Government. [*Cries of* "Divide."] He would not detain the House further than to express a hope that hon. Members would be persuaded by the right hon. Gentleman's speech to go into the lobby with him (Mr. Fagan) and against the Government.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes, 121; Noes, 201: Majority, 80.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, April 17, 1856.

Minutes.] Public Bills.—1ª Exchequer Bills (£21,182,700).

2ª Public Works; Public Works (Ireland).

THE HOUSES OF PARLIAMENT—THE FIRE BRIGADE.

Lord STANLEY of ALDERLEY said, that he had made inquiry on the subject of a question put to him by the noble Lord opposite (Lord Redesdale) with regard to the fire brigade attached to the House, and he had ascertained that it had been considered by the Board of Works, on the whole, not to have a mixed body of firemen and police in charge of the House, but there should be only one force for the purpose. It was ascertained that in the dockyards at Woolwich and Deptford the fire department was placed in the hands of the police, who discharged the duty most efficiently. It was now intended that the police force attached to the House should consist of one inspector, two sergeants, and sixteen constables, in whom all the duties of the charge of the House should be concentrated, including those of the fire brigade. With regard to the police being inexperienced in this duty, he had to say that the firemen would be employed till the police were fully instructed in the necessary duties; and it was thought that then there would be ample security for the protection of the House. If his noble Friend wished to see the correspondence on the subject between the Chief Commissioner of Works and the Treasury there would be no objection to produce it.

Lord REDESDALE confessed his entire inability to understand either the policy or the justice of the proposed change. On the contrary, he had a strong conviction that the safety of the building would not be adequately provided for unless it were confided to the care of a body of men intrusted with that duty and none other. The fire brigade were in that position.

They were acquainted with every pipe that had been laid down, whether for gas or water; they were fully cognizant of all the duties connected with the arrangements for the security of the House, and they were in all respects as zealous and efficient as the men proposed to be substituted for them could possibly be. The new system would occasion a great increase of expense, for the men about to be brought in were exactly twice the number of those whom they would supplant. The greater part of these men had been engaged for eight years; some of them for a longer period than that. They had families, and were men whose age and stature prevented them entering the police force. Being in the service of the Government, they were naturally under the impression that their engagement was for life; but notwithstanding that they had always behaved admirably they were now cast upon the world without resources. Nay more, they were, before leaving, required to instruct the men who were to turn them out of their situations. It might be said that the engagement with these men did not differ from that with the servants of railway companies or other public bodies; but certainly no such body would, when discharging servants, require them to teach their duties to those who were to succeed them. He thought that the proposed change was one which would press very hardly upon the firemen, and would not tend to the security of the building. Nor was this only his own opinion. Mr. Goldsworthy Gurney, to whom was intrusted the whole charge of the lighting and ventilation of the House, had that morning called upon him (Lord Redesdale), and expressed his opinion that under the new arrangement the building would not be so safe as it was under the existing one. The matter well deserved the consideration of the Government, and he (Lord Redesdale) hoped that the proposed change would not be adopted without further inquiry.

THE DUKE OF SOMERSET said, that, in his opinion, the existing system of firemen was not a good one. Within the last six years, there had been a fire which exposed the building to great danger, and in connection with which it was shown that there was much mismanagement. It was most important to the safety of the building that this system should be revised and reconsidered. Those who had charge of the pipes ought also to have charge of the cisterns. When the fire to which he had alluded occurred, the cisterns were found to be empty, owing to the water having been drawn off for other purposes without the knowledge of the firemen, who had no control over them. Unless there was one common control over the water, both in supply and delivery—whether by policemen or firemen did not matter—the danger which had occurred six years ago might occur again.

LORD STANLEY OF ALDERLEY entirely concurred with the noble Duke, that considerable danger arose from a divided control, as had been shown by the occurrence of the fire to which the noble Duke had referred. At that time the custody of the House was in the hands of Sir Charles Barry; the Board of Works had a certain power; and the firemen were a third body, under their own head. It was now proposed that the authority of Sir C. Barry should cease, and that the whole control and guardianship of the building should be transferred to the First Commissioner of Works, who alone would be responsible for their safety. It was also thought desirable that there should be no divided authority over the men who had the protection of the buildings. If there were firemen who had to look to one authority, and policemen who had to look to another, and to give aid or not as they might think fit, there might be a great conflict of authority, and would certainly be an absence of that uniformity of action which was necessary in order to prevent the recurrence of danger from fire. Instead of increasing, the proposed system would considerably diminish, the expense of watching the Houses. The estimate of the probable expense of the united bodies of firemen under Mr. Brady, and of policemen, was £3,000; while the whole expense of the police, who would be available both for the protection of the building and for ordinary purposes, would not exceed £1,500 a year. The cisterns would be under the immediate control of the Clerk of the Works, who would be always resident in the Palace, who was an officer of the Board of Works, and who would invariably be in direct communication with the superintendent of the police, who would also be resident within the building.

TROOPS TO CANADA.

THE EARL OF ELGIN said, I have a question relating to a matter of the utmost importance to put to the noble Lord the Secretary for War, but of which I have not given him notice; and therefore, if he should prefer it, he can answer it on another evening. I think it is most desirable that it should be made known, whether the rumours which are abroad with regard to a large increase in our military forces in Canada being in contemplation, are or are not correct? As I have given no notice of the question, I will abstain from adding a word of comment.

Lord PANMURE: Although my noble Friend has given me no notice of his question, yet as I believe that there is a general impression out of doors that it is proposed to send a large military force to the British North American provinces, I think it right to say it is true that it is the intention of the Government to send back to British North America a certain number of regiments, which were taken from the garrisons of those provinces at the commencement of the war; and it is not improbable that in the new organisation of the army by divisions and brigades, there may be spread over the whole of the North American provinces a number of men amounting to a small addition to the British army; but the report that these troops are being sent out for purposes of aggression is entirely without foundation. It has also been stated—and I am glad to have the opportunity of explaining this too—that large quantities of gunpowder and munitions of war are about to be sent to British North America. The fact simply is this, that at the commencement of the war we drew from those colonies almost the whole of the munitions of war which were in their stores, and all that is now being done is to replace what was drawn from thence.

THE EDUCATION BILL—QUESTION.

The Bishop of OXFORD begged to ask his noble Friend the Lord President of the Council whether it was the intention of her Majesty's Government to persevere with the Education Bill which had been introduced into that House? He was not present on a former evening when the Bill was discussed, but he had gathered from the ordinary channels of information that the noble Earl had stated that he should not proceed with it till he saw what was the issue of certain events in another place. There might have been some mistake in that statement, for it could hardly be supposed that a Ministerial measure could be dependent on the events in question.

Earl GRANVILLE said, the right rev. Prelate had been correctly informed of what had passed on a former occasion, when a question was put to him with regard to this Bill, for he had stated that in consequence of the course taken by a noble Lord in the other House, he thought it right to postpone troubling their Lordships with the discussion of the much smaller Bill which he had laid on the table. The discussion in the other House had now taken place, and he was glad that he had waited for that discussion before proceeding with his Bill, for the main principle of his Bill was included in the Resolutions then discussed: but he did not think it logically followed that because those propositions had been rejected, a similar fate must necessarily attend his measure, which was wholly of a permissive character. It was, however, very undesirable, when measures were not likely to be carried, or at least when the Government did not see their way to carrying them, that they should be proceeded with at the risk of exciting any sectarian and angry feelings, and for those reasons he did not propose to press this measure on their Lordships' attention any further, at least during the present session. At the same time, he would say that, in the office he held, he should use every exertion to promote the spread of education, by the use, at once liberal and economical, of the means now placed at the disposal of the Government.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 17, 1856.

The House met; and Forty Members not being present at Four o'clock,

House adjourned till *To-morrow.*

HOUSE OF LORDS,

Friday, April 18, 1856.

Minutes.] Public Bills.—2^a Exchequer Bills (£21,182,700).

3^a Colonial Bank.

TORTURE IN INDIA.

The Earl of ELLENBOROUGH begged to call the attention of the noble Duke (the Duke of Argyll) to a matter connected with a subject now under the consideration of the Government. It appeared among the intelligence from India which had reached town that morning that there had been a case of conviction for torturing a Native in Bengal, which had been dealt with very satisfactorily; for the authorities of Bengal had taken a different view of the matter from that commonly taken by the authorities of Madras, and had directed the punishment of the person convicted should be, instead of a fine of two rupees, and a short imprisonment if it was not paid, imprisonment in irons, with hard labour, for a period of five years. He would request the noble Duke to take measures to have a letter written to the authorities in India, desiring that a full report of the circumstances of the case might be transmitted to this country without delay.

The Duke of ARGYLL said, he had not seen the account to which his noble Friend had referred. He rejoiced at the severity of the punishment which had been inflicted, because we could never be considered free from blame in this matter unless the persons convicted of these offences were effectually punished. He would take care that a full report of the case should be obtained from the Indian Government, and laid on the table.

The Earl of ELLENBOROUGH said, perhaps he might mention the manner in which his Friend, Sir Charles Napier, dealt with a case, not of torture, but one of great enormity. Slavery having been abolished in Scinde, while Sir Charles Napier was marching through the country a man complained to him that, notwithstanding the abolition of slavery, his master kept him as a slave. Upon which Sir Charles put the master in irons, and carried him through the country, showing him to the people. This effectually put an end to slavery.

TICKETS OF LEAVE—SECONDARY PUNISHMENTS.

The Marquess of SALISBURY moved for copies of all documents and petitions relating to the discharge of certain convicts upon tickets of leave. The subject had attracted the attention of the House last year, and certain returns had been ordered on that occasion, in connection with it, which had only been recently presented. At the commencement of the current Session, another motion had been made on the same subject, as to which the noble Earl the President of the Council, on being asked what course was intended to be pursued by the Government, stated that it would require an Act of Parliament to alter the existing system; that nothing could be done in the matter without such an Act; and that it was not the intention of the Government to introduce any Bill for the purpose of effecting an alteration. It appeared to him that that assertion had been rashly made, and that the noble Earl, anxious to get rid of a disagreeable subject, answered too hastily that he could make no alteration in the present ticket-of-leave system without a new Act of Parliament. The noble Earl could not have attentively considered the question, or he would have seen that the present system of granting licences to convicted persons was not that which was recommended by Parliament in the Act passed for the purpose. In the Act of 1853, introduced by the noble and learned Lord on the woolsack, with the object of changing the punishment of transportation into imprisonment, there was a clause which the noble and learned Lord particularly recommended to their adoption, for the purpose of enabling discharged convicts to obtain an honest livelihood; but it had never once been acted upon since the Act was passed. It was stated by the noble and learned Lord to be the intention of Government to establish three grades of probation for convicts, and for that purpose to divide them into three classes; those sentenced, firstly, to close imprisonment for an indefinite period; secondly, those sentenced to imprisonment and hard labour for a certain period; and, thirdly, those to whom were granted tickets of leave extending over the whole or part of the kingdom, as the case might be; and the clause in question provided that where honest employment could not be obtained by the convict so discharged, in the community, employment should be provided for him on the public works. That part of the scheme had not, however, been carried out, and the consequence was that these persons in most instances returned to their old haunts, where they could not obtain an honest living even if they were inclined to work, resumed their old habits, renewed their old acquaintanceships, and became the pest of whatever neighbourhood they happened to be in. No possible employment that could be provided for them would be, in fact, so hazardous or so expensive to the country as the present system. He (the Marquess of Salisbury) was not about to enter into a discussion of the system of retaining prisoners convicted of crime in this country; but he was bound to say that he was not aware of the full extent of the evil of the present system until he saw the returns to which he had alluded. The object of his Motion, therefore, was to ascertain upon what principle, and under what circumstances, the ticket-of-leave system was administered, and licences granted to persons who had been convicted of crime. No fewer than 2,369 convicts had been discharged under the present system, without the means of obtaining an honest livelihood; and he wished to know consequently what became of the clause in the Act of Parliament to which he had referred, and why its operation had been so effectually suspended? It was all very well for the Government to say, that the returns, as regarded the conduct of the persons so discharged, were satisfactory; but he (the Marquess of Salisbury) would venture to say, that though no full and complete returns had been made on the subject, the reverse was the case, looking at the large number of these persons who had been again brought to justice. He had selected certain names for the returns which had been furnished and supplied them by the noble Duke opposite; all he wished was a fair and full explanation on the subject. One of these cases in particular was that of a person who had been sentenced to ten years' transportation, whose conduct for three years and eleven months on the public works had been very good, but whose conduct in other confinement had been very bad, and who nevertheless had obtained a ticket of leave. He should be glad to hear an explanation of these cases, as he was sure the returns would bear him out in all he had stated on the subject.

Moved—

"That an humble Address be presented to Her Majesty, for Copies of all Documents and Petitions relating to the Discharge of certain Convicts upon Tickets of Leave, whose Numbers are respectively—

"1205, 1897, 2616,
1314, 1918, 57,
1386, 1945, 27,
1533, 1965, 4095."

THE DUKE OF ARGYLL said, that the Motion of the noble Marquess was for a return of certain cases of ticket-of-leave men in certain counties, and it was on the cases in those counties that the noble Marquess had founded the complaints he had made. A noble Marquess had been kind enough to furnish him with the names of the counties and the cases to which he referred; he had obtained from the Home Office returns in reference to them, after seeing which he did not suppose the noble Marquess would persist in his Motion, for of the cases he had picked out as being illustrations of the whole system only two or three had any reference to the Act of 1853. The first case was that of Henry Austen, who was a mere child of ten years old when he was convicted. He was tried at the Kent Assizes, and sentenced to penal servitude with the view of getting him placed in a reformatory institution; but soon after the sentence the Judge was induced, in consequence of some of his friends undertaking to become securities for his good behaviour, to make a representation to the Secretary of State, and the boy was released on the required security being given by his friends, and the case had turned out satisfactorily. Another case was that of William Collins; but the noble Marquess had been misled by a misprint, into supposing that the date of his conviction was March, 1854; it was, in fact, in March, 1851—he was sentenced to seven years' transportation. The noble Marquess was, however, aware that under the old system a person who had been transported for seven years, and who behaved well, received his discharge at the end of three years. The case of Collins occurred under the old system, and therefore, at the time of his release, had become practically entitled to his unconditional discharge. All the other cases were those of persons who had been released on medical certificate. Under the Acts of Parliament, seven years' transportation was considered equal to four years' penal servitude. It was true that, in the case referred to by the noble Marquess, the conduct of the prisoner had been good when on the public works, and bad when in close confinement; but there were many cases in which confinement was so irksome as to lead a man to behave ill who would behave well when on the public works; and on the whole, in this case, the man was considered to be entitled to his ticket of leave. These were the whole of the cases with which the noble Marquess had furnished him. If these were the worst cases he could select it showed that the system had worked, on the whole, satisfactorily. There would shortly be laid before Parliament a report by Colonel Jebb, the Inspector of Prisons, going very fully into the system, and there would be a better opportunity of judging on the subject when these papers were in the possession of the House. It was not usual to quote papers not yet laid before Parliament; but he had in his possession the report of Colonel Jebb, which would be presented to the House in a few days, and he could say that he never read a statement more likely to allay all apprehension with regard to the system. Since 1854 there had been between 5,000 and 6,000 convicts liberated on tickets of leave, and the total amount of re-convictions was about 8 per cent on the whole period, or something like 2 per cent and a fraction for each year. There was no objection to the production of the return for which the noble Marquess had moved.

Earl STANHOPE said, he rose, according to a notice he had given, to call the attention of the House to the present state of the law on secondary punishments. As to the immediate matter before them, he thought the noble Marquess was well justified in moving for these returns; at the same time, the noble Duke had given sufficient grounds why it was not necessary, in this particular instance, to produce them. But the present was the second discussion which their Lordships had had this Session upon the ticket-of-leave system, and he saw that there was a notice on the Votes for a third. Now, he confessed that he was strongly convinced that the policy of granting tickets of leave, unless in special cases, could not be satisfactorily argued singly and without a glance at least, if no more, at the whole subject of secondary punishment. They must look not only to the case of England, but to the case of the colonies. They must look not only to the reformation and well-being of the criminals, but to the security and protection of the whole community. During the last fifteen years, he (Earl Stanhope) had devoted much of his time and thoughts to this subject. Therefore he was rejoiced to see that it had attracted the earnest attention of the other House of Parliament, and that a Select Committee of that House was now sitting and prosecuting inquiries respecting it. He did not propose to move for the appointment of such a Committee of this House; but he thought it not unreasonable that to the Members of this House also an opportunity should be afforded of making or of hearing in debate some practical suggestions on the subject. In opening the present discussion, nothing was further from his purpose than to impute blame to, or make any charge against, the existing or any preceding Administration. Doubtless considerable errors had been committed; but they were now passed, and he saw no benefit that was likely to arise from discussing them anew. Besides, he was sure the House would feel, that even if successive Governments had erred, they had acted upon the most upright motives. Without imputing blame, then, to any Ministry, they must take the question as it at present stood, consider what were the evils that existed under it, and what remedies they could apply to those evils. With regard to the evils which existed, he could not help thinking that tickets of leave were only one feature, and that not the most important feature, of the question. The real grievance was this—that after a certain term of imprisonment had expired, the prisoners, being no longer sent to the colonies but retained at home, were periodically let out of prison, and in a great number—he feared in the greater number—of cases returned to their former courses. But this grievance would exist in some measure if no tickets of leave were granted at all; for the moment the term of his sentence expired, the prisoner was necessarily released, and all the ticket of leave did was to set him free at an earlier period. Therefore, though he thought tickets of leave, as recently administered, were open to great objection, he could not regard them as by any means the principal feature of the case. What was the reason, that when the term of imprisonment expired, and the prison doors were opened, a vast number of convicts returned to a career of crime? Not, he thought, so much from the infrequency of sincere conversion and repentance in the convicts; for, as he (Earl Stanhope) was informed and believed, many a man, when he found that evil courses had resulted only in his being cast into prison and there confined, became disposed to reform his life; but there was this difficulty in the way of his doing so, and it lay at the bottom of the whole matter—the difficulty which a convicted person experienced upon his release of obtaining honest employment. The evidence in all quarters was concurrent on this point—that the released prisoner was almost hopeless in his prospects of honest employment. One of the best-conducted prisons in the kingdom was that of Derby, which he (Earl Stanhope) had visited only a few weeks since, and the governor of that prison had assured him that there was nothing more common than for convicts, on the expiration of their sentences, to come and ask him, for God's sake, to find employment for them, without which they must either steal or starve. Within the last month, too, very curious testimony had been furnished on the subject by convicts themselves; he alluded to the meeting of convicts which was recently convened in London by Mr. Henry Mayhew. At that meeting, which took place on the 12th of last month, several released convicts assembled and stated their several cases, one of them, answering to the name of "Peter," said—

> "Arriving in London without a farthing, and without a friend in the world, with no prospect of employment, and with no one, if he wanted a meal, to say, 'Here it is for you,' what was a man to do? Before he could bring himself to thieve, he walked the streets in a vain search for work for three months, until he wore out two pair of shoes, and grew emaciated from having nothing better to eat than a bit of bread and a herring. In this desperate state of things he met with his old associates, and for a period of two months he did very well, as far as money went, for he made £5 or £6 a week. This, however, was earned by practices which he sincerely disliked; but then if the public would not allow him to make £1 by honester means, what was a man to do? This course, as might have been expected, soon led to his apprehension, and he was sentenced to another twelve months' imprisonment, which expired only last Monday."

The difficulty in this case was one of constant recurrence, and it was one that would be felt by every one in that House. Let him put a case by way of illustration. Suppose he went to any one of their Lordships and said, "Here is a convict thief who is anxious to reform, and wishes employment as butler to take charge of your plate—or a reformed drunkard, who wishes to take charge of your cellar. They have conducted themselves well in confinement, and I bring you the best testimonials on the subject from the chaplain of the gaol." He had no doubt that any one of their Lordships, if thus addressed, would reply, "We do not at all doubt the reformation of these convicts—we wish them very well—we have every possible respect for the chaplain; but to employ a man who is dishonest to take charge of our forks and spoons, or a man who is never sober to take charge of our port and sherry—how can you ask us to do such a thing so long as men of wholly unblemished character are pressing for the very same places?" The same feeling ran throughout society, and the result was that the man whose character was once tainted could never again obtain honest employment. And this applied with even more truth to the other sex. So far back as January, 1839, Lord John Russell had drawn up and laid before Parliament a most able Minute upon the subject, and though the date was not recent, it well deserved attentive study at the present time for its application to what was taking place around us. In this minute Lord John Russell said—

> "France is at present suffering from the mass of released convicts, who, after being confined at the galleys join the criminal portion of the community, perfect adepts in forgery and housebreaking, and connected by acquaintance and sympathy with the thieves and swindlers of the community."

Now, mark the following words—

> "This must be the case in every opulent and populous community, where crime has every temptation, and industry is abundantly employed."

Then, if it were said that Lord J. Russell, who wrote that Minute, nevertheless himself took part in the measure that had led to the cessation of transportation to the colony of New South Wales, all he (Earl Stanhope) could say was, that that only proved the pressure upon him from the colonial side, and how necessary it was to view every side of this most complicated and nicely-balanced question. What he wished to argue was, that the difficulty which the convict encountered in finding employment was not incidental to the system, not one that any improvements in the details of punishment could remove. It was inherent in the system itself. It belonged to the system of retaining convicts at home. And they might alter the details of that system as they pleased; they might station the convicts at Dartmoor and Portsmouth; send them to the convict works of Bermuda and Gibraltar, or try the dismal resource of public hulks. All these expedients had been tried with a greater or less degree of success; but the result had been always the same. The prisoner upon his release, whatever the extent of his reformation, was constantly met with the same difficulty—the difficulty of procuring honest employment. It was, as he had said, inherent in the system. It might be said that it was possible for the convict when released to assume a fictitious name, quit his birthplace, and commence a new career elsewhere. But these deceptions were but a melancholy prelude to a life of intended probity; and in the next place he had heard that there were some parts of the country—in Scotland—where the police, most unwarrantably, as he took it, if the statement were true, for he did not vouch for it on his own knowledge, made it their business to hunt out every convict who was in honest employment, and inform his employer that he was harbouring a felon in his service. Of course the result was, the instant dismissal of the man. The difficulty, therefore, with regard to obtaining employment seemed to be insuperable as long as they retained the convict at home. He could appeal to a great many of their Lordships, how strongly this opinion had been put forth by the most eminent statesmen of France—how often a preference for the English system of transportation had been expressed by these eminent men in the debates of their late Chamber of Deputies. [Lord Campbell: And in private.] I thank my noble and learned Friend for reminding me how often and how earnestly these statesmen have urged the same views to some amongst us in private conversation also. But as to the state of things in our own country as to convicts, we require no testimony; we might rely upon own observations. Now, let their Lordships contrast the state of things in this country with the immunity from reproach which a man enjoyed in a colony. Two centuries ago the freebooters held that no treaty with Spain was binding south of the line. In the Australian colonies there was a rule something like this in terms, but far better and wiser. The rule was, that no offences were to be remembered against a man that had been committed on the other side the equator. The convict having undergone his term of punishment in the colonies, if on being released he seriously desired to reform, and wished to have employment, he could at once find it. It was, therefore, a mere assumption of the argument—a complete begging of the question—to say that we sought only to fling upon our colonies the crime which we found to press inconveniently upon ourselves. For the truth was, that the energy which was ill-directed here would be well and usefully directed there. The truth was, that the man who was a criminal in England would probably not be a criminal in the colonies. He had no employment here; he had full employment there. He would now proceed to state what were the practical suggestions which he had to offer. And, in the first place, he should wish the Government to consider whether, on their part, some further encouragement and support might not be afforded to those most useful institutions—the reformatory schools for the young. The beneficial effects of those schools had been felt in most parts of the country; and, as an instance, he might refer to the case of Gloucestershire. He held in his hand the striking and valuable Report of Mr. Barwick Baker, with regard to the prisons of that county, and in that Report Mr. Baker said, "That a reformatory school having been opened in Cheltenham, in 1852, the police stated that there were twenty-one boys under the age of fourteen who had been once convicted, and twenty-five who, under the same age, had been twice or thrice or four times convicted." And Mr. Baker added, "I believe I can now say, there is not at present in Cheltenham more than one boy under sixteen who has been twice convicted." But Mr. Baker went on to explain the only true principle upon which those reformatory schools should proceed, and without which principle he (Earl Stanhope) would not hesitate to say that those schools would do harm instead of good. Mr. Baker said, "We propose to give our boys no advantage which the sons of honest labourers could not get if they pleased. Were they to offer to come on the same terms, they would be chosen in preference to our boys." This it was most important to remember, for if any enthusiastic men in their benevolent zeal offered any advantages in their institutions to the criminal beyond that which honest men enjoyed, from that moment they did harm instead of good, and their reformatories would deserve no encouragement. But upon the principle which he had just stated, and looking at the vast amount of good which had resulted from those schools, he put it to the Government that they should take into their serious consideration whether some further aid as contributions towards the buildings, or aid of some kind or other, might not be given in addition to the quota that was now paid, according to the number of inmates, so as to increase the number of boys in these institutions. With respect to these reformatory schools for the young the fatal difficulty of want of employment vanished, because a fault committed by boys would not weigh against them in after life; whereas upon the same fault committed by grown-up persons, it would be argued that they were hardened offenders. The next and principal suggestion which he had to make was, that the Government should turn their thoughts to the possibility of founding a new colony for the reception of convicts. That was a point which he was most anxious to press upon their attention. In the first place they would have to consider what resources our present colonies afforded for this purpose. And here he wished to lay down the principle in the clearest and most emphatic terms, that he did not think that any convicts ought, under any circumstances, to be sent to any one of those colonies without the fullest and freest consent of the colonists themselves. Nay, he would go further, and say that the convicts ought not to be sent out until they were asked for; that we should not ask the colonists to take them, but wait until they asked for them themselves. What was more, he thought that this principle ought to be proclaimed by the Government in so clear and decided a manner as to remove all possible cause of jealousy or apprehension in the minds of the colonists upon the subject. Now, the colony of Western Australia had expressed a clear and general wish to receive convicts, and for some years we had been sending there about 300 a year. But he understood, from evidence which was given no further back than yesterday before the Committee of the House of Commons, that the colonists of Western Australia now asked for 700 or 800 a year. The colonists wished to have more convicts: why did we not give them? Because we had most unwisely, as he saw it stated, tied up our hands and precluded ourselves from sending more than 300. Could anything be more injudicious than this? And would it not be desirable to relax the prohibition and be enabled to send as many convicts to a colony as might be required, subject to the condition which he could not state too often or too emphatically, that it should be done with the free and full consent—the spontaneous consent—of the colonists themselves? Then there was the case of the settlement of Moreton Bay, respecting which he hoped the Government would give them some information. As he understood, the settlement of Moreton Bay was also desirous of receiving convicts; but New South Wales, the colony to which it belonged, had expressed an objection to its doing so, and in deference to that opinion the Colonial Office had taken no steps in the matter. Supposing that the resources of Western Australia and Moreton Bay were inadequate, the Government ought to consider whether a new colony might not be established with advantage. The last Report on prisons contained remarkable testimony as to the good result of the very latest, perhaps, of the cases of transportation to New South Wales. The chaplain of the Wakefield House of Correction stated that he had received a very interesting account from a friend (who made inquiries on the spot) respecting 109 convicts from Wakefield Prison, who were embarked on board the *Hashemy*, *Mountstuart Elphinstone*, and *Adelaide*, all of whom were landed (those by the first-named ship at Sydney, the others at Port Philip) in the year 1849. Those prisoners had all been three years in the colony, and the report of their conduct was as follows—Very good, 77; good, 11; conditionally pardoned, 1; indifferent, 6; bad, 6; very bad, 6; reconvicted, 2. Total, 109. The unreclaimed, therefore, amounted only to 14 out of 109, or not one-seventh of the whole; and he (Earl Stanhope) would ask whether one-seventh or anything like one-seventh—whether anything like one-half or two-thirds of any whole number—could in like manner be predicated of convicts retained at home? What was the real objection to founding a new penal colony? He believed there was only one, and that he admitted to be a forcible one. It was this, that at the outset of forming a new penal settlement they would not have the advantage of diffusing the convicts when released among a free population. He did not deny that that objection had great weight, and he could meet it only by reminding their Lordships that it equally applied to the whole of the Australian colonies when they were first established, and when Mr. Pitt sent out the first convicts to Botany Bay in 1788—when Botany Bay was inhabited only by the savage Australian and the kangaroo—and it was difficult to say which was the lower in feeling and intellect. Look forward a half-century, and see what those colonies had now become—the convicts had been well cared for and the mother country relieved from the charge. Look at the progress they had made; look at Sydney. It was not long since that he saw a letter written by a distinguished man at Sydney, who was well acquainted with European cities, and who said that in the splendour of its buildings and establishments, and in intellectual cultivation, Sydney well deserved to stand by the side of several of the smaller capitals of Europe. In short, the Australian colonies had afforded us the strongest encouragement for the formation of new settlements upon the same principles, while avoiding the errors and defects in detail of the former system. And in saying this he was not urging upon the Government to do anything that was novel or rash; he merely counselled them to do what Mr. Pitt did in 1788. If any one doubted that the greatness of the Australian colonies was produced by convict labour, he would refer them to what had been stated by one of the most eminent men who had ever held sway in these settlements, he meant Sir Richard Bourke, Governor of New South Wales. Sir Richard Bourke said—

> "From what I have seen effected in New South Wales I am induced to set a high value upon the power of commanding convict labour during the first processes of settlement in a new country. The great demand for labour incident to such undertaking has seldom, if ever, been adequately supplied by free people. Where these have been relied on, and no other description of labour obtained, the progress of the incipient colony has been slow and difficult; hence the striking contrast between the condition of the Swan River Settlement and that of New South Wales, where, by the aid of convict labour, the industrious and skilful settlers have, within a period of fifty years, converted a wilderness into a fine and flourishing colony. It is sufficient to say that this great and rapid advancement is, under Providence, to be attributed to the command of labour obtained by transportation from Great Britain and Ireland."

With reference to the advantage which England derived from her connection with the Australian colonies, he would advert to a very remarkable return, which was quoted at a public meeting held a few days ago by a noble Lord who was a Member of this House (the Earl of Hardwicke); and according to which it appeared that if they took the population of the world and the amount of British exports they consumed per head, it would be found that in France they consumed 1*s.* 6*d.* per head; in the United States of America, 5*s.* 8*d.* a head; in Canada, £1 15*s.* a head; whilst the Australian colonists consumed not less than £7 a head. Such, then, were his views, and such the facts upon which they were founded. He had stated his case as briefly as the importance of the subject permitted him; and he hoped Her Majesty's Government would believe him, when he said that he had not approached it in any hostile or censorious spirit. He found no fault with them. He acknowledged the difficulties with which the subject was surrounded; but amid all these difficulties, there was one consideration which should cheer and encourage us—the consideration that even our very failures, when once discerned and admitted, would be conducive to our future success; and now that so many able and enlightened men were applying their minds to this question, he trusted that at no distant day we might see the foundation of a system which would promote the reformation of criminals, and at the same time guard and protect the community from crime.

Earl GRANVILLE said, he could assure the noble Earl that nothing was further from the disposition of the Government than to regard the remarks which he had made as characterised by any spirit of hostility towards them. It was impossible to conceive any speech more characterised by candour, delicacy, and fairness, than that which the noble Earl had addressed to the House; nor could anything be more satisfactory than the manner in which the noble Earl had pointed out the real difficulties of the ticket-of-leave system, and where those difficulties existed. He was sure that the whole House went with him in his approbation of a system of transportation when it could be carried out in a populous colony, extending over a large tract of ground, where there would be such a demand for labour that the convict should, on his discharge, be immediately put in a position to earn an honest livelihood and to regain his character. He (Earl Granville) was glad to hear the noble Earl, in the latter part of his speech, acknowledge the great principle, that it was now quite out of the question for the mother country to attempt to send convicts to any colony which was not prepared freely and cordially to receive them. With regard to the first suggestion of the noble Earl, that the Government should give some increased assistance to reformatory schools, he (Earl Granville) might mention that that subject had for a long time occupied the attention of the Ministry, and some days since a Committee of Council had been summoned for to-morrow, to consider a final Minute upon that point. The other suggestion of the noble Earl was one the adoption of which was surrounded with great difficulty; and with one or two of the observations made by the noble Earl, he (Earl Granville) could not entirely agree. The noble Earl suggested that Moreton Bay should be separated from Australia, and that there should be founded there a new penal colony. It was quite obvious that it must be matter for very serious consideration whether, in dealing with Australia, you could cut out a portion of one of the provinces, in order to apply there a system against which so strong a feeling existed throughout the Australian colonies generally. At the same time, he thought it was worthy of consideration, whether it might not be possible to establish an entirely new colony for this purpose; but in the adoption of any such course, it would be necessary that great care should be taken to avoid the recurrence of those dreadful scenes through which our existing colonies had passed. He did not wish to answer at any length the observations which had been made by his noble Friend, but merely to suggest to his consideration, whether it might not be desirable to appoint a Committee of their Lordships' House to inquire into the whole of this subject? Such a Committee of the other House of Parliament was already sitting. It might be a question, whether the terms of reference to a Committee of that House should not differ from those which had been adopted by the House of Commons; but he was sure that nothing but good could result from the investigation of a Committee composed of some of their Lordships who were well informed upon this subject; and if the Committee were moved for by his noble Friend (Earl Stanhope), it would be an inducement to it to approach the consideration of this subject in the same fair and candid manner in which his noble Friend had introduced it here.

Lord LYTTELTON said, that the ticket-of-leave question was one of great importance, and one on which much might be said on both sides; but it was quite a secondary question compared with the question of transportation. The real question for their Lordships to consider was, that transportation having ceased, and our convicts being retained in this country, in what way they were to be disposed of. That being the question before the House, and agreeing as he did in some of the suggestions of the noble Earl, particularly in reference to reformatory schools, he regretted that he could not approve of the suggestion of his noble Friend as to the foundation of a convict colony, which he regarded as a proposition to return to a system which the experience of late years had shown to be eminently unadvisable. He believed that the formation of a new penal colony was an impossibility. While Mr. Gladstone was at the head of the Colonial Department some progress was made in the establishment of the penal colony of North Australia; but when his noble Friend at his right (Earl Grey) succeeded that right hon. Gentleman, he stated, in his first despatch, that under no circumstances would he carry out such an undertaking; and that we must discontinue the occupation of Northern Australia as a penal settlement. He (Lord Lyttelton) did not at the time agree with the noble Earl; but since then he had come round to be entirely of the same mind with his noble Friend. He should now hesitate to begin over again that which he considered to have been one of the great evils—one of the blackest spots—in the history of this country. He had heard with astonishment the argument of the noble Earl (Earl Stanhope), who, he had expected, would point out some means by which his proposed convict colony should avoid evil times similar to those through which our existing colonies had passed. To his surprise, however, his noble Friend seemed to propose that we should found a new colony, intending that it should run the same course which had been run by Sydney, Tasmania, and others, in the hope—which he had no doubt would be realised—that it would in sixty or seventy years arrive at a similar state of prosperity. For his own part, he thought that the evils which had befallen our existing colonies during the period of their early history were such as no one would willingly encounter again; and yet they were evils which would undoubtedly fall upon the colony which his noble Friend proposed to establish. The first requisites were a good soil and a large territory; and this would inevitably become the resort of free settlers, who, after a time, would become discontented, and transportation must be again dropped. The history of this question had shown that transportation could not be attempted anywhere except upon the principle of division or dispersion; there must be a demand for labour; but that was a principle which the indisposition of our colonies to receive convicts rendered it impossible that we should observe. If any colony asked for convicts he would not refuse them. As to Moreton Bay, he believed it impossible, as the law stood, for Government to send out convicts there. If it should ever become a separate colony, and convict labour were then desired by the colonists, the opportunity would arise; but he could not but think that, in every such case, a colony was deliberately sacrificing its best moral interests for mere material and temporary advantages. He was firmly convinced that it was owing to the transportation policy of England that her colonies had, until a very recent period, stood so low in the opinion of the world. Now, it was true they stood higher than all others, because they had struggled through the difficulties of their condition by the unexampled energies of our countrymen. He believed that in all our colonies—certainly in New Zealand, which he knew best—there was not a man who would not repel the proposal to send convict labour. He quite admitted that we must be rather disappointed, as far as we had gone, with the effect of the present system in absorbing the expirees, as they were called in the colonies, into the general labour market at home. He could not say that the system had failed, but it could not be said to have been wholly successful in restoring the convicts after their sentences were expired into the general body of the community. He would suggest that for transportation should be substituted the punishment of banishment or exile. He did not mean that system of exile or modified transportation which had been adopted some time ago, under which men were sent with tickets of leave to the colonies; but that convicts who were sentenced to the longer periods of transportation, after having been kept in prison for a certain time, long enough to earn by their labour a given sum of money, should be declared exiles and subjected to heavy punishments if ever found again in this country. In his opinion, the colonies—if these men went there—would not have any right to complain, but it was not likely that they would go to the colonies in any great numbers. His impression was—and he had no hesitation in stating it undisguisedly—that they would most of them go to the United States of America; but to whatever country they went he could not see that that country would have a right to complain. He was also in favour of another suggestion—namely, that imprisonment should go on indefinitely until the convict had by good conduct earned his discharge—even for life, where there was no appearance of reformation. Of course, there would always remain the power of the Crown to remit the punishment, and therefore the element of hope would not be entirely excluded. There would be no hardship in retaining hardened criminals in prison for life, and he did not think that public opinion would be very much opposed to it.

Earl GREY said, he thought their Lordships were deeply indebted to the noble Earl opposite (Earl Stanhope), who had commenced this discussion, and he trusted he would adopt the suggestion thrown out by the Lord President of the Council, and move for a Committee to inquire into the whole subject. The short discussion which had taken place had shown that a deliberate inquiry would be highly useful, and that there were many points upon which but little information existed, and some points on which opinion had been imperfectly formed, and which would require to be carefully considered before any determination could be arrived at. He wished to make a few observations on the question. In the first place he cordially concurred in the description which had been given by the noble Earl of the real value of transportation. The strictly penal part of that sentence could be carried on much better at home under the eyes of the Government; but, as a means of disposing of those who emerged from a state of punishment, the Colonies were invaluable. It was not merely the difficulty of obtaining employment in this country which prevented these discharged men from becoming useful members of society, but also the strong temptation they had to contend with of returning to their former associates and former habits. In the Colonies all situations in which convicts were placed under these circumstances were altered, and the system of tickets of leave, as formerly adopted, combined, he thought, every condition calculated to promote their reformation. They were then scattered through a vast extent of country, and employed in a description of labour—the taking care of flocks in Australia—the best calculated to separate them from former associates, to break up former habits, and to give them that power over their own actions, which alone could enable them to take their places again in society. The result showed that transportation, as latterly carried on, did produce in a very large majority of cases the reformation of the convicts. Nay, more, if the conduct of the convicts sent out under this system were compared with the conduct of the free emigrants sent out by the Government, without any restraint upon their actions, he was prepared to say that he believed the convicts on the whole turned out the better. Nor was that at all improbable. The reason was that when free labourers were sent out they did not consist of the best sort of men, because these being always sure to get employment at home, were seldom willing to leave their native country, so that emigrant labourers for the most part consisted of persons who, from various reasons, found their position at home unsatisfactory, as, for instance, men suspected of poaching, or who had got into difficulties about illegitimate children. Though these were very often the most energetic portion of the population, they were undoubtedly not the most steady or moral; and when they got to the Colonies, being entirely their own masters, getting high wages, and living in the neighbourhood of a town where intoxicating liquors could be had cheaply, it was undoubtedly the case that a very large proportion of these free emigrant labourers did take to habits of drinking and profligacy, and were not that very moral class which many supposed them to be. So much was this the case in his opinion, that he entirely disputed the correctness of the assertion as to the great superiority in moral character of those colonies founded without convicts over those founded with convicts. Indeed, a very large number of the earliest and best settlers in New Zealand went originally to Australia as convicts. No doubt, a great body of highly respectable settlers went out also to New Zealand, but the first foundation of the British settlement was by the escape of convicts from New South Wales and by desertions. He, however, admitted, that whatever might have been the state of things formerly, it was now too late to retrace the steps taken, and that practically the means of disposing of convicts in those Colonies was to a great extent cut off. He could not conceal from himself that that was a great misfortune, due to those persons who, perhaps, from benevolent motives in this country, raised upon the subject a cry, which ultimately produced its effect in the Colonies. In 1838 and 1839, when the objection to transportation was first brought forward, those who raised it were denounced in the Colonies as public enemies for attempting to stop the supply of labour; but, unfortunately, the cry gradually produced its effect in the Colonies, and led to the ultimate discontinuance of transportation. He would not, however, now enter into the question of the wisdom of that step; but, at all events, he would say that he agreed with the noble Earl who had originated this debate, and with the noble Lord who had just sat down, in expressing his conviction that this country could not now use its superior power to compel any colony not founded as a penal colony, or which had ceased to be one, to receive convicts as labourers. Then the question arose, how was the advantage which had been lost to be regained? The noble Earl (Earl Stanhope) suggested that the number of convicts sent to Western Australia might be increased; but he (Earl Grey) hoped that their Lordships would not conclude too hastily that that could be done; they must be very cautious as to the steps they took in that direction; for, if the Government, in sending out convicts to that colony, went beyond the demand for labour there, they would inevitably create a state of things which would tend to the cutting off the means now possessed of sending out convicts. He feared his noble Friend was mistaken as to the number of convicts who could be sent with advantage to Western Australia, and a gentleman, lately at the head of the Government there, had told him that, though the success of the experiment had been very great, caution must be used with respect to sending more, for already a certain number of ticket-of-leave men began to be left on the hands of the Government.

EARL STANHOPE said, that the statement he made he believed to be unimpeachable. It was taken from the evidence which had been given yesterday by Mr. Waddington, the Under Secretary of State for the Home Department, before a Committee of the House of Commons.

EARL GREY said, he had no doubt whatever that Mr. Waddington said that Her Majesty's Government had stated that 300 convicts were as many as they could send to Western Australia. But he (Earl Grey) would venture to throw out the following suggestion—that the number of convicts that could be absorbed by the colony might, by degrees, be increased if Her Majesty's Government took some means of assisting the object. It could not be done without expense, but he thought it would be a wise and good policy on the part of the Government. By making new roads—possibly railroads—by opening better means of access to the interior of the country, and by carrying out the wise policy of Lord Bathurst's administration, they would offer inducements to free settlers to emigrate into the country, and thus, by the expenditure of no very large sum of money, it would be quite practicable to extend the means of absorbing convict labour. He thought, too, that the Government might take measures by which other colonies might be induced to accept convicts; and he thought this might be done in such a manner as to promote the real interests—not only the pecuniary, but also the moral interests—of those colonies. There was no necessity for returning to old abuses. His noble Friend (Earl Granville) said a question was pending with regard to the reception of convicts at Moreton Bay, to which an opposition had been raised by the inhabitants of other parts of Australia. That opposition could not be justified upon any ground, and ought not to be allowed to prevail. What were the circumstances? The whole wealth and property of Australia had been created by the profuse expenditure of this country in sending out convicts. Was it, then, reasonable that those who were now enjoying that prosperity should now tell their fellow-colonists some hundreds of miles distant that they should not have the benefit of the same advantages they had derived from the system—that because they themselves no longer chose to receive convicts, others should be deprived of the advantage they had formerly enjoyed, but no longer required. Another view of the case was this—was it consistent with Christian principle that the other colonists of Australia should hold this language? To what was it they owed the advantages they possessed? Why, to the fact that their ancestors were convicts, and that they had been sent out to a place where they might have an opportunity of re-establishing their *status* in society, and of becoming the ancestors of those who were now prosperous colonists. Were those prosperous colonists, for the sake of their pride and vanity, to refuse convicts of the present day that opportunity which their ancestors had enjoyed of regaining their *status* in society? Their pretensions were utterly untenable, and if the colonists of Moreton Bay desired to receive convicts there was no reason why the Government should not send them. In the Act passed for the regulation of the Australian colonies, a clause was inserted giving power to Her Majesty's Government to separate the northern portion of New South Wales from the remainder to form a separate colony, in precisely the same manner as Port Phillip had already been separated from it, and was now called Victoria. The interests of the inhabitants of the Sydney district were totally distinct from those of the inhabitants of Moreton Bay, and they ought not to be allowed to exercise an authority over their fellow-colonists, which they held ought not to be exercised over themselves even by the mother country. His noble Friend opposite (Earl Stanhope) had suggested the formation of a new penal colony; but he agreed upon that point with his noble Friend who had spoken last. All the advantages of transportation arose from the dispersion of convicts among the free population of a colony. The assembling of convicts by themselves was a fearful source of moral contamination. Long after the formation of the colonies of New South Wales and Van Diemen's Land their moral condition was frightful. When did an amendment take place? Only when free settlers were induced to go out. After the peace Lord Bathurst gave strong inducements to free settlers to take land and to employ convicts, and the moral improvement and the prosperity of the Colonies dated from the adoption of Lord Bathurst's system. But if a new penal colony were now founded it would be very difficult to accomplish what Lord Bathurst then accomplished. At that time there was no great stream of emigration of free settlers flowing elsewhere; Englishmen had not yet found out the advantages of emigration to the United States or the North American colonies, and comparatively very few settlers went to either of those places; and there was also at that time a pressure upon men of small means in this country which happily did not now exist. Circumstances were now altered in many respects. The superior attractions of the Australian colonies, Canada, and New Zealand would come into competition with those of any new penal colony that might be formed, so that there would be little probability of obtaining for it more than a very limited number of settlers. He did not, therefore, believe that it would be practicable to carry into effect any plan of the kind suggested by his noble Friend. Again, it must be remembered that the foundation of a new colony was a most costly operation. Many sanguine people believed that a system could be found out of enabling colonies to pay their own expenses. His noble Friend (Lord Lyttelton) was at one time a great believer in the practicability of some system of that kind; but he was now probably convinced that he (Earl Grey) was not far wrong when he said that all such self-supporting schemes, from the time of Sir Walter Raleigh downward, had proved to be illusions. [Lord LYTTELTON: Every farthing has been repaid.] He should like to know how many of the original speculators had come home without a farthing in their pockets. Some friends of his were in this unhappy plight. He was persuaded, as he had said, that the establishment of a new colony was very costly and required a large outlay, and that it would be better to extend their operations in a colony like Western Australia, where convicts were already received, than to begin operations in some entirely new place. There was one other question to which he wished to refer—that as to the propriety of granting to convicts what were called tickets of leave. He feared that the exaggerated alarm felt by the public with regard to that class of persons was likely to lead to the adoption of hasty and erroneous conclusions. He saw a statement in the newspapers that men who were now sentenced to penal labour were to work out their whole term of imprisonment, and that a sentence of four years was to be equivalent to a former sentence of seven years, and was to be entirely fulfilled. He heard great complaints also of the hypocrisy produced by allowing the men to be discharged for good conduct at an earlier period than they would otherwise be entitled to their release. He believed that these opinions were founded in error. Parliament had made a great mistake, when in 1853, against his remonstrances, it had, in abolishing the sentence of transportation, reduced the length of the new sentences of penal servitude, as compared to those of transportation previously passed for similar offences. Parliament then determined that convicts should be sentenced to four years' penal labour instead of seven years' transportation. What had been the effect? When a man had been sentenced to seven years' transportation it was never intended that he should pass that entire period in penal labour. The whole foundation of the reforms that up to 1853 had been made in our penal establishments was to make the length of a man's punishment depend, to a great extent, upon his conduct in confinement. Their Lordships would no doubt recollect that a plan for determining the duration of the punishment of convicts by their conduct, by requiring them to earn a certain number of marks before they were discharged, had been proposed by Captain Maconochie. This scheme had been tried under the direction of that gentleman in Norfolk Island. The experiment had failed, as might have been expected, because, in adopting that system, Captain Maconochie had too much relaxed the discipline under which the convicts were placed. The scheme, as Captain Maconochie had adopted it, was abolished, but the principle on which it was founded was justly regarded as a sound one, and was accordingly made the foundation of a new system for the management of convicts, which was commenced by the noble Earl opposite (the Earl of Derby), and modified by him (Earl Grey) when he had the honour to hold the seals of the Colonial Department. Under this plan convicts were enabled, under strict regulations, to obtain their enlargement from penal labour at an earlier or later period, according to the length of their original sentence and their subsequent conduct. It depended chiefly upon their own conduct how long their confinement was to last. The effects of this system of management had been in the highest degree satisfactory; by bringing to bear upon the minds of convicts the great motive of hope, it had become possible to dispense, in a great measure, with the lash. It had formerly been held that discipline must be preserved and industry enforced almost exclusively by severity, and the state of the hulks under this system had become, as was well known, most dreadful; but by the system to which he referred, where, without relaxing discipline, the motive of hope was brought to bear, and industry and good conduct were made the means of limiting the duration of punishment, our penal establishments at home assumed a totally different character. He had himself examined the working of the system at Portsea and Dartmoor, and it had been found, by the sure test of the amount of work actually done, that the industry of the men so treated had been most remarkable, while their general conduct was such as scarcely to call for the infliction of any of those punishments which were formerly continually taking place. So great was their industry, that they actually, in some cases, did more work than free labourers employed with them. He had himself observed this in the case of a pair of convict sawyers, who had performed more work than two free mechanics employed at the same time on the new building at Dartmoor. The great breakwater at Portland was a standing proof of the efficiency of convict labour when well directed. He regarded the reduction of the length of sentences which took place when transportation was abolished, as most unwise, because it rendered impracticable the system of management which he had just described. Convicts sentenced to only four years' penal servitude instead of seven years' transportation could not be allowed to obtain their discharge by good conduct at the end of half the period for which they had been sentenced, without reducing the punishment far below what was required for serious offences. Nor was there the slightest reason for reducing the length of sentences in consequence of the change. On the contrary, the fact that a man, when relieved from penal labour, was to be allowed to remain at home, would have been rather a reason for prolonging than abridging his original sentence, since ultimate exile was a great aggravation of the punishment. For these reasons, he earnestly hoped the Government would consider and amend the law so as to re-establish the periods of sentence which prevailed before transportation was done away with. It was said that to discharge men for good conduct before their period of confinement expired was offering a premium upon hypocrisy. Now, it was impossible to look into men's hearts. They could never know whether a reformation was real or simulated. But whether they were really reformed or not it was a good thing to make these men behave well without the use of severity in our prisons, and to establish industry and outward decency of demeanour among them, without having recourse to the lash. He would rather that there should be some hypocrisy than be compelled to use the whip, as was done formerly, with all its brutalising and demoralising effects. He trusted that the Government would amend the Act of 1853, so as not to break down the mainspring of hope which had sustained the convicts, and caused them to behave well under the system abolished in 1847.

THE EARL OF DERBY said, whatever might be the difficulties surrounding this question—and no doubt they were great and numerous—there appeared to be this inestimable advantage, that there was manifested among all parties, both in that and in the other House of Parliament, an earnest desire to approach this subject in a spirit wholly apart from all party considerations, and in a calm and dispassionate spirit. Whatever, too, might be the theoretical opinions entertained in regard to secondary punishment, there was, he believed, no difference whatever amongst their Lordships as to the necessity of some alteration in respect to it. His noble Friend near him, with singular ability and clearness, had laid before them the many difficulties with which they had to contend in dealing with this question. There were, in the first place, the difficulties arising from the inability and reluctance of the colonists themselves to accept our convicts, and who, therefore, compelled the Government in a great measure to abolish the system of transportation. And, in the second place, there were the difficulties arising from the danger of discharging these convicts, either before or at the expiration of their sentences, and letting them loose upon society—their inability to procure an honest livelihood, and the mischief of their again mixing with their old associates, and being surrounded by those upon whom the taint of their former crimes would have its natural influence in occasioning in them a great unwillingness to employ them. He was quite ready to admit that, practically speaking, a great improvement had been effected by the substitution of what was intended to be the reformatory portion of the sentence in this country rather than in the colonies. The first part of the sentence was more under the immediate control and supervision of popular opinion here, as well as of the Government; and consequently, the operation of it was much better known than if it were to be carried out at a distance. At the same time he could not but concur with a great deal of what had fallen from the noble Earl who spoke last (Earl Grey). He thought that there was a very serious danger to society from the very early period at which prisoners were discharged from custody, after having been sentenced to imprisonment for a long term of years. He supposed that the shortening the sentence of transportation was mainly caused by the feeling of the Government, that it would be impossible to deal for such lengthened periods with the number of convicts that would be thrown upon their hands; but the shortening of the duration of the sentence, in his opinion, did greatly increase the difficulties and danger. He concurred with the noble Earl, in the first place, in regard to the advantages, if carried out, of the old system of transportation. He believed that no description of punishment had such dread upon offenders, and yet at the same time, notwithstanding its difficulties, had tended to give such encouragement to real and substantial reformation, as the transportation system. And as to the assignment system—the most abused of any—although no doubt it was open to much objection, he was of opinion that it had been much too hastily abandoned. A great deal of prejudice had induced the abandonment of it. He concurred with the noble Earl in the impression that a system of transportation by which the convict was placed in an entirely new condition of circumstances, among a free and sparse population, where labour was valuable, and he had no difficulty in obtaining an honest livelihood, was one that was most favourable to the development of the reformatory principle. He much regretted, not that the assignment system had been abandoned, but that circumstances following one another had rendered transportation to Australia a matter almost of impossibility. With regard to Australia or the North American colonies, he was afraid it would be impossible to overcome the fixed determination of the colonists not to accept our convicts. There was, therefore, no use in looking back as to what might be the advantages of the old system. They were driven then to the necessity of sketching out the best mode of dealing with our convicts, now that permanent expatriation among a free population was no longer possible. With regard to the probationary system, of which the noble Earl (Earl Grey) had described the advantages, in which there were four or five stages of punishment, by means of which the prisoner could very quickly pass from a punishment of great severity to one of a much lighter character, and ultimately to the obtaining of a ticket of leave; there could be no doubt that great advantage might be obtained from such a system. He concurred with the noble Earl as to the benefits arising from the moral effect on the conduct of prisoners produced from a feeling of hope. At the same time he must say that, as a principle, this was a system which should be adopted with extreme caution. Setting aside the abuse of a mere pretended reformation, it was liable to work unequally and unfairly, unless much judgment was exercised by the authorities, and even then it was impossible to have any actual test to measure the comparative merit of individuals. For example, take a man well instructed, but convicted of a serious offence, and another man, whose hand never did more than handle a plough, and who was convicted of a trifling offence. Surely, if those two men were set to work at skilled work, the latter convict would have no chance beside the other. In the same way might bodily weakness or other infirmity operate to the disadvantage of the more deserving. Unless, then, the greatest discretion was exercised by the governors or superintendents of these convict establishments, they would practically commit a great injustice in measuring the merits of an individual by the power of his performing certain works. The present system was, first solitary confinement, then hard labour, and then a ticket of leave. He could not help thinking that that system was capable of many modifications, to prevent the immediate transfer from hard labour on a breakwater to a ticket of leave. He was of opinion, too, that when a ticket of leave was forfeited by a recurrence to crime the relapsed convict should be returned, not to the same building or establishment from which he had been released, but to a different establishment, where he would be placed under a severe system; so that there might be kept up a broad distinction between those who were undergoing their first sentence and the relapsed convicts. He knew that this question was under the consideration of the Government in 1852, when it was thought practicable to obtain some island or place at no great distance from the shores of this country, which from its situation and character might be regarded as a natural prison, to which we might transfer the more hardened and less deserving of our criminals for any length of time—even for life. There was Lundy Island, for example, in the Bristol Channel, that might be used for that purpose, and which might, he believed, be purchased for a small sum. He thought that the Government might establish a permanent prison there for the most hardened offenders, without the slightest danger of being obliged to resort to permanent imprisonment, strictly so called. But that which was the most important question to be considered was, the danger to society from the turning loose of a number of men with tickets of leave, and who necessarily found it most difficult to obtain honest employment. The noble Earl the President of the Council had put an end to all hope of getting rid of these persons, by showing that there would be no advantage in sending those persons to a colony where there was not a free population; and where there was a free population they refused to receive them. If they were to assume the truth of that doctrine, they could do nothing but retain the convicts in this country under the existing system, with all the danger of their being thrown back into guilt and incurring, without their own fault, a perpetual recurrence of punishment. But he thought his noble Friend and the noble Earl (Earl Grey) had somewhat mistaken the intentions of those who had proposed to establish the colony of Northern Australia. He quite concurred with the noble Earl (Earl Grey), that there was a great advantage in the admixture of a free population, who were naturally the employers of labour, with the convict population; and there was no doubt that it was to the introduction of a convict population the Australian colonies, in the first instance, owed their great prosperity and rapid progress. But the fact was, that with regard to Van Diemen's Land, at the time to which the noble Earl referred, that colony was exposed to the identical difficulty now generally apprehended; for, in consequence of the discontinuance of transportation to New South Wales, and the outcry which had been most justly raised against the use of the hulks as a secondary punishment, the whole of the convict population was thrown upon the comparatively small island of Van Diemen's Land, and at a time, too, when, through the losses occasioned by a heavy murrain amongst the cattle of the colonists, their amount of capital available for the employment of labour had been sensibly diminished, and there was consequently already a glut of labour. Under these circumstances, no doubt, the Government did what it could to diminish the evil, in the mode now suggested by the noble Earl (Earl Grey), through the opening of roads, the clearing of the country for fresh settlers, and the employment of convicts upon public works which would ultimately prove beneficial to the colony. But for all that the complaint of the colonists still was, that the convict population remained in superabundance; while that of the convicts was, that they were actually in a worse position than those who were employed at compulsory labour upon Government works. It was under those circumstances, and not with a view of establishing a new penal settlement, that the colonisation of Northern Australia was entered upon. He quite agreed with the noble Earl (Earl Grey), that if any colony separated from others by a considerable distance, protested against the introduction into it of a system of convict labour, it asserted pretensions which were quite unreasonable, and which, if raised at this moment on the part of any of the Australian colonies in regard to Moreton Bay, he hoped the Government would have the wisdom and the courage to resist. [The Duke of ARGYLL: Moreton Bay is not separated.] It could be separated. In any case, however, the district of Northern Australia lay to the northwards of Moreton Bay, and was distinctly separated from the parallel taken as the extreme boundary marking the territories to which convicts should not be sent. With that portion of Australia, therefore, the Government was free to deal. As he before stated, it was never proposed to establish in Northern Australia a new penal settlement, to which persons should be forwarded from this country, the intention always being to create there a new colony, that would relieve the inhabitants of Van Diemen's Land of that surplus population, which, having in great measure redeemed their character and undergone their period of sentence, might thus be transferred to a colony where, under a certain amount of local superintendence and surveillance, they might, through the cultivation of the soil, have the means of providing for themselves and their families, so that thus these people would either prepare the way for fresh settlers perfectly free, or for fresh convicts, similarly circumstanced as themselves. He confessed he always thought, while he was disposed to do every justice to the views of the noble Earl, that it was a matter for great regret that the noble Earl, upon his accession to office, had interposed to put a stop to a project which had been approved of by his two immediate predecessors, and which could not, as he (the Earl of Derby) believed, but have led to the foundation of a most useful settlement. Now, the Northern Australian districts were still open, and therefore free to be dealt with by Her Majesty's Government as they should think fit; and he could not but think, agreeing also with the noble Earl the Lord President of the Council, that though there might be an advantage in the admixture of a convict with a free population, yet with a fertile soil, a good climate, and a boundless territory, he could not help thinking that great advantages might be derived in affording facilities for the establishment of a new settlement in the northern part of Australia, to consist of persons who had undergoue the first period of their punishment, and had thereby entitled themselves to tickets of leave. Such persons, he thought, who were now useless, if not dangerous, to society, might very usefully act as the pioneers of civilisation in those districts. Looking at all the difficulties of the case, seeing the impossibility of persons like these being absorbed into the labour market—seeing that, as the existing system went on, our difficulties would increase day by day and year by year—looking to the advantage to the individuals as well as to the community by their expatriation in some mode or other, and deprecating the system of turning ticket-of-leave convicts loose upon society, with a prospect—as his noble Friend had said—of a great portion of them going to the United States to become the subject of disquietude to the two countries—and observing that with regard to persons so circumstanced, one of the great evils of the old system of transportation, arising out of the inequality of the sexes, might be thereby surmounted by ticket-of-leave men being allowed to take their wives out with them—seeing all that, he could not help thinking, that if it was impossible to obtain the consent of the colonists—and without their consent it was clearly out of the question to force upon them our surplus convicts, or those who had gone through a portion of their sentence and had obtained tickets of leave—in that event it would be well worthy the serious attention of the Government, whether they ought not to avail themselves of the resources at their disposal to relieve society from these persons, and at the same time to give these unfortunates the opportunity of obtaining an honest livelihood, and of founding in North Australia what might hereafter become a prosperous colony. He concurred with his noble Friend the Lord President of the Council in thinking that much advantage might be derived from referring the question to the consideration of a Select Committee; and if, therefore, his noble Friend who had introduced the question to them with so much ability (the Marquess of Salisbury) was prepared to make a Motion to that effect, he should be most happy to support him. And of this he was thoroughly convinced, that whatever their differences of opinion might be in the first instance, every one of their Lordships who might be a Member of that Committee would enter upon the inquiry with a determination and earnest desire thoroughly to sift and examine the case without prejudice or passion, and in a spirit of calmness and deliberation to see whether it might not be possible to devise some plan that would prove effectual for the remedy of that which was already a formidable, and which threatened to be a most dangerous, evil to society.

LORD CAMPBELL said, he rose with great pleasure to support the recommendation that the matter should be referred to a Select Committee of their Lordships' House. From the office he held he had peculiar opportunities of judging of the nature and effects of secondary punishment in this country. The present state of secondary punishment was most deplorable and discreditable. Nobody could tell what would be the effect of any sentence a Judge might pass. He found that it was a very difficult task to judge what sentence to pass upon a convict. If, for instance, he passed a sentence of transportation beyond the seas for fourteen years he knew perfectly well in his own mind that that sentence would never be carried into execution. If he ordered a man to be sentenced to seven years' transportation, or four years' penal servitude, to which it was now altered, he had never the most distant idea of its being carried into effect. In fact, he never had any idea what punishment any person he sentenced would really have to undergo. Was that, he would appeal to their Lordships, a right state of things? Of all judicial maxims that most generally received was that punishment ought to be certain; but punishment under the present system was entirely uncertain, and it was impossible, while this uncertainty continued, that a sentence could produce the salutary effect which was intended to follow it. He had heard with unfeigned delight the sentiments expressed by their Lordships on this subject on both sides of the House, and he trusted the inquiry it was proposed to institute would have the result of inducing a return to the old system of transportation, a punishment of all others the most salutary. He had lately returned from circuit, where he had been pleased to find that reformatory schools were very generally in course of formation. There was now in existence an Act of Parliament in which he felt considerable interest, and in virtue of which the Judge was empowered to order in addition to punishment for an offence, that the criminal, if under sixteen years of age, might be sent to a reformatory school, to remain there for any period within five years. He believed that that would be found to operate very beneficially, because by the time the period passed in the reformatory school had expired, the person who was the subject of it would go forth to the world well educated and well trained, and, moreover, would have obtained a character which would enable him to be admitted into any service. He would not be considered like a ticket-of-leave man, whose difficulties, he could not help thinking, were of a serious character. For the adult criminal there was nothing left but to send him out of the country; for, even if reformation were possible, there was little chance of his getting employment. A noble Lord opposite had referred to the experience of continental States. He (Lord Campbell) had passed a good deal of time in continental cities, and had conversed with the most eminent jurists there, and he had found a general concurrence of opinion as to the inestimable advantage enjoyed by this country in having colonies to which to send her convicts; and the superiority of the police of London over that of foreign cities was also universally attributed to this circumstance.

The Earl of HARROWBY said, that the Reports lately sent in to the Government showed that under the existing system there had been a greater amount of reformation than under any other. During the three years this system had been in force, the recommittals of ticket-of-leave men had been at most 10 per cent, while of those who issued from the reformatory school at Mettray, at least 12 per cent relapsed into crime. Much had been said as to the difficulty of ticket-of-leave men finding employment. That might be true of the agricultural districts and in small parishes, where men with branded characters would undoubtedly meet with difficulties when in search of employment; but he did not believe such was the case in Lancashire and the other busy hives of industry throughout the country, where a man who came out of prison, with a good pair of arms, was always sure of work, and after a time to receive even the reward of industry.

The LORD CHANCELLOR said, he rose to make two observations, which had not been sufficiently adverted to, and to which he thought it most desirable that attention should be called. In the first place, he thought it was capable of demonstration, that to whatever cause the present unsatisfactory state of punishment was attributable, it could not be attributed to the ticket-of-leave system. That might look like a paradox, but he thought it was capable of demonstration. It was true that tickets of leave had been given to persons whose conduct, it had been found, had continued bad; but those people, against whom such complaints were constantly made, were not turned upon society in consequence of the tickets of leave granted to them, for they would have been turned upon society without those tickets of leave. The alteration that was made three years ago, and which came into operation in October, 1853—two years and a half ago — provided that persons who after that time should be sentenced, and who under the old system would have had seven years' transportation, should undergo four years' penal servitude. With regard to persons convicted since that Act had passed, he did not say that none of them had been released; some of them had now been returned to society; but it was not of them that complaints were made, for the complaints respecting the ticket-of-leave men had extended over the last year and a half. Rather more than 5,000 persons had been released upon tickets of leave, and almost the whole of these were persons who had been sentenced to seven years' transportation previous to 1853. What would have been the case with those persons if no alteration in the system had taken place? Why, at the end of four years they would have been turned loose upon society without tickets of leave. If persons with tickets of leave relapsed into crime there was immediately a confusion in the public mind between the *post hoc* and the *propter hoc;* and all the evil was attributed to the ticket of leave, it being forgotten that the same men would have been released under the old system precisely at the same time without the ticket of leave. Nothing could be more wide of the mark than to say that the ticket of leave did the mischief. The tendency of the ticket of leave was rather to keep men strict, although it had not always that effect, for sometimes evil habits and communications, as might be expected, were too strong for any restraints, however powerful they might be. He (the Lord Chancellor) was very anxious to correct this prevailing delusion on the public mind, that the ticket-of-leave system produced the evils of which there had been so many, and perhaps so just complaints. There was only one other observation he wished to make, and that was in reference to a remark which had fallen from the noble Lord the Lord Chief Justice. The noble and learned Lord had stated that when a Judge passed a sentence of seven years' transportation, he did not know what he was doing. It was true that when a Judge passed a sentence of seven years' transportation he did not know whether the Secretary of State might not commute it for four years' penal servitude; but he could not understand what the noble and learned Lord meant when he said, that when a sentence of four years' penal servitude was inflicted, the Judge did not know whether or not it would be carried out. It was the very object of the change in the law that a sentence should be certain, and that when a person was now sentenced to four years' penal servitude it was certain to be carried out, except perhaps in a very few peculiar instances. In reference to the proposal of the noble Earl (Earl Stanhope) that the subject should be referred to a Select Committee, he trusted it would be acceded to, as he believed it would be productive of the greatest possible benefit.

THE EARL STANHOPE said, that at first he did not entertain any idea of a Select Committee being appointed, but the recommendation had come from so many quarters of their Lordships' House, that on an early day he would move for a Committee on the subject.

Motion (by leave of the House) *withdrawn.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 18, 1856.

POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

MR. EVELYN DENISON asked the Secretary of the Treasury what was the existing state of the arrangements made by the Government with regard to steam postal communication with the Australian Colonies.

MR. WILSON replied, that it would be seen by the Minute which had been laid upon the table, that those colonies had exhibited the utmost readiness to defray a portion of the expense attending the establishment of an efficient postal communication with this country. He believed that they were greatly indebted to the relative of the hon. Member who put the question, Sir William Denison, for the arrangements which had been made on this subject. Last year Sir William Denison addressed a circular letter to the various Australian colonies proposing the establishment of a monthly steam communication with this country, and suggesting that the colonists should bear a portion of the expense of the postal service; and the replies of the various colonies had been forwarded by Sir William Denison to Her Majesty's Government. Those replies were so favourable to the proposals of Sir William Denison, that the Government felt no doubt whatever that the colonists would be prepared, when an arrangement was made, to give due effect to his intentions. He (Mr. Wilson) believed that replies to Sir William Denison's circular had been received from all the colonies with the exception of New Zealand, and upon the receipt of these communications Her Majesty's Government lost no time in framing a system which they thought would be at once just to this country and to the respective colonies; such system being detailed in the Treasury Minute which had been laid upon the table. In accordance with that Minute tenders for performing the postal service had been received from a great number of persons; but the Government did not think they would be justified in accepting any of those tenders: and as several new schemes of an improved character had been suggested since advertisements for tenders were first issued, it was the intention of the Government to call for new tenders. An impression seemed to prevail out of doors that Her Majesty's Government did not intend to do anything with respect to these arrangements until the colonies had agreed as to the route to be taken; but no such intention was ever entertained by Her Majesty's Government—they had simply been desirous of receiving replies from the different colonies, in order to ascertain whether they acquiesced in the proposals of Sir William Denison, and he was happy to say that the Government had so much confinence in the intentions of the colonists, from the replies which had already reached them, that, as soon as they received from any one a tender which they felt justified in accepting, they would have no hesitation in at once making arrangements for the establishment of a postal communication.

Sir JOHN PAKINGTON asked whether it was the intention of Her Majesty's Government to arrange a direct steam communication with the Australian colonies irrespective of the Indian mail; whether that communication would be carried on by first-class vessels; and whether the Government were prepared to organise such communication without delay, which would be occasioned by any further reference to the colonies?

Mr. WILSON said, it was not the intention of the Government to stipulate for any particular line, because they thought the best way of bringing public opinion to bear upon the subject was to receive proposals of any kind, and, therefore, the advertisements issued by the Admiralty would not specify any particular line or any description of vessels. As he had already stated, the instant any tender was made which the Government thought it would be for the interest of the country to accept, they would be prepared to enter into a contract for establishing steam postal communication with Australia.

CONSOLIDATION OF THE STATUTES AT LARGE—QUESTION.

Mr. LOCKE KING wished to know when the Consolidation of Statutes Bill would be ready?

Sir FITZROY KELLY stated that the Statute Law Commission had resolved to reduce all the Bills by which the statute law was to be consolidated into classes, and that the provisions of each class should be included in a single Bill, to embrace the whole of the subject. The Bill relating to offences against the person, and the Bill relating to bills of exchange and promissory notes, which he had obtained leave to introduce, were now prepared. It had been thought desirable, however, that all the Bills which would constitute an entire class should be laid on the table at the same time, and advance *pari passu.* The Bill relating to offences against the person had been submitted to Lord Wensleydale and Chief Justice Jervis, and was now ready, but it was one of eight Bills relating to criminal offences, four of which were now ready, and four others in an advanced state of preparation, so that no doubt they would all be laid on the table within a month of the present time. With regard to the other Bills—those respecting bills of exchange and promissory notes—these were part of a class which was to contain the whole mercantile law; and several Bills on this most important subject were in a state of forwardness. There were other important Bills, such as Bills affecting landlord and tenant, which were in progress. With regard to these classes the whole of the Bills, he expected, would be completed this year; and other classes of Bills would be completed in time sufficient to be passed into law this Session.

THE SEBASTOPOL CLASP—QUESTION.

Sir JOHN PAKINGTON inquired whether the Commissariat officers were to be allowed the Sebastopol clasp, and, if not, why not?

Mr. FREDERICK PEEL replied, that it had been decided, with the concurrence of Lord Hardinge, and after communication with the Commander of the Forces in the Crimea, that, as a general rule, none but combatant officers should receive clasps commemorative of actions.

THE NAVAL REVIEW AT SPITHEAD—QUESTION.

Colonel FRENCH asked what were the arrangements which had been made for the attendance of the House of Commons at the naval review? It was rumoured that the First Lord of the Admiralty had placed at the disposal of the House of Lords a vessel of sufficient size to accommodate the wives of the noble persons invited. No such provision had been made for the wives of Members of the House of Commons; and report stated that an application which had been made by the Speaker, on behalf of the House, for the use of the *Himalaya*—a large and commodious vessel—had been refused. Why should not Members of the House of Commons have an opportunity of taking their wives as the Members of the other House had?

Mr. LINDSAY wished to ask if the *Perseverance*, the ship allotted to the Members of the House of Commons, was the same ship that capsized? If so, he hoped the Admiralty would supply her with a sufficient number of life-boats. There had been quite enough money wasted in the sad reality of war, without spending more on this show. He saw no good result that would attend it, but much evil. He found serious questions arising in people's minds; they asked what this great show was for, and why this immense flotilla was not prepared long since, when it might have been of service in the war? What was to be done with all these gunboats? He, for one, would rather not see the review, and he agreed with the remarks that had been made some weeks ago. However, if there was to be a show, and if Members of the House were to be sent down to see the show, he thought they ought to have a more suitable ship than the *Perseverance*.

Mr. LAYARD asked whether it was really the intention of the Government that a very large number of gun-boats should be expressly fitted out in order to attend at this naval review?

Admiral WALCOTT did not think it would be satisfactory to any Member of that House to be precluded from taking his wife with him. He had made arrangements for taking his wife and two other ladies of his family.

Sir CHARLES WOOD replied, that it had been necessary to prepare, for the carrying on the war, a large fleet. Fortunately peace had come upon them, and the sending out of that fleet was not necessary. He could not think that it would be ungratifying to Members of the House of Commons to see the means which the country had at its disposal for the carrying on of the war, if that calamity had continued to exist. Until the ratifications of peace had been actually exchanged it would not be right to put any of these numerous vessels out of commission, and therefore it was not correct to say that any great expenditure had been incurred for this review. Gun-boats had been completed since the treaty of peace had been signed, but they formed a necessary part of our intended naval operations, and, of course, preparations with regard to the fitting up of other gun-boats would be discontinued as soon as peace was ratified. The hon. Gentleman was not quite correct in stating what had taken place. The right hon. Gentleman in the chair knew that he had never applied to him (Sir C. Wood) for the use of a vessel and been refused. With regard to the accommodation of Members and their wives and families, he must remind the House that some limit must be placed, for he could assure them that if there were not, it would require all the unemployed ships in Her Majesty's service. As to the proper arrangements for this naval review, he had been, to a considerable extent, guided by what occurred at the last. With regard to providing accommodation for Members and their wives, it must be remembered to what an extent 658 Members with their wives and families would go; but with regard to the Peers, they were not so numerous and therefore it was possible to extend to them the compliment of inviting their wives without incurring any great inconvenience. As to the ship *Perseverance*, to which the hon. Gentleman alluded, it was true that this was the ship which had been selected for the accommodation of Members of that House by the Government. The hon. Gentleman would seem to imply that the Admiralty had some malignant intention in engaging the services of this ship; but this could not well be implied, unless the vessel was to carry only the Members of the Opposition. It was correct that the *Perseverance* had met with an accident in coming out of dock, but since then she had made six voyages across the Bay of Biscay, and it was reported officially that she had gone through her work most creditably and satisfactorily. Therefore he could not suppose that in a vessel which had six times encountered the roughness of the Bay of Biscay there could be any danger in the Members of that House sailing in her to Spithead.

Admiral WALCOTT said, the right hon. Gentleman seemed to imply that, if females were permitted to accompany Members of that House, there should be more than one. For his own part he thought one wife enough.

Sir CHARLES WOOD ought to have stated that, on the day in which the naval review would take place, the train would leave the Waterloo Station at 7 o'clock A.M., and take the Members of the House of Lords and Commons down to Southampton, where each House would find that a large vessel was appropriated to its service. A small steamer would be in readiness at Southampton to convey the Members to the vessel. There would be refreshments on board, for the Admiralty could not think of sending the Commons to sea without some creature comforts on board. The train would leave Southampton at 6 P.M. for London. Tickets would be issued, but in the railway carriage Members would pay their own fares home. However, with the leave of his hon. Friend behind him (Mr. Williams), there would be no charge for refreshments.

ST. JAMES'S PARK.

Sir BENJAMIN HALL said, that with the permission of the House he would occupy a few minutes in explaining what was proposed with regard to this matter.

The Select Committee to which it had been referred had considered from plans which had been proposed with a view of affording convenience to the public in connection with a road through the park. The first line of communication was that commencing in Pall Mall, passing through the German Chapel, proceeding along the paved road into the Mall, and then, branching westward, going in front of the Palace and out by Buckingham Gate. The next was a foot bridge over the ornamental water in St. James's Park. The third was a road from Waterloo Place to the Mall, terminating near Storey's Gate; and the fourth was by an opening at the east end of the Mall to Charing Cross and Trafalgar Square. Dealing with the last proposition first, he found that nothing could be done in that direction without an Act of Parliament, because the property did not belong to the Crown or to lessees of the Crown, and could be dealt with only by means of a private Bill. He did not propose, therefore, to take any Vote in relation to that estimate this year. It was also a question whether the expense of a matter of that kind ought not to be partially borne by the funds of the Metropolitan Board of Works. With regard to the road from Pall Mall to Buckingham Gate, it would commence, as he had already explained, in Pall Mall, pass through the German Chapel, proceed along the paved road into the Mall, and then go in front of the Palace, and out at Buckingham Gate. That line had been considered by the Committee, and the estimate of the expense at which it could be made was £21,900, a sum which included the expense of taking down and rebuilding the German Chapel, but which did not include the cost of a site for that chapel. That road was one which he proposed should be made, and it was his intention to move an estimate in relation to it. The next line was one which was proposed for the accommodation of pedestrians by means of a bridge across the ornamental water, and he proposed to move an estimate for that line, which would, he believed, be a great accommodation to the public. When a bridge of that description did exist it had been found most useful, and he had seen documents which proved that there was a strong feeling against its removal, and also that requisitions had been made to the Treasury for its reconstruction, in consequence of which the Treasury had agreed to advance £8,000 for that purpose; but that reconstruction had never taken place. The other line proposed was one from Waterloo Place, through the Mall, and thence to Storey's Gate. The adoption of that line had been carried in the Committee by his casting vote as Chairman, and he felt bound to say that he still adhered to the opinion that that road would form a most useful opening, and would very materially relieve the increasing traffic in the neighbourhood of Charing Cross. He regretted, however, being compelled to say that some difficulty had arisen which might suspend the commencement of that undertaking. In the year 1826 George IV. vacated Carlton House for Buckingham Palace, and he then desired that the ground upon which Carlton House was situated should be let upon building leases; and consequently plans were drawn out and submitted to persons who were desirous of becoming lessees of the Crown, and in the leases a covenant was introduced that the lessees should have the enjoyment of an uninterrupted terrace from east to west. Representations had been made that it would be a great convenience that the public should have a road from Waterloo Place to the Mall; but that suggestion was not acceded to. Subsequently to that time, and soon after the accession of William IV., the proposition was renewed, and a road was commenced which cut the terrace in half, and the lessees protested against what they considered to be an infringement of the rights conferred upon them under their leases. The opinions of Sir James Scarlett and Sir Edward Sugden, the then law officers of the Crown, were taken as to whether the lessees could, under the terms of their leases, successfully resist the construction of the road which was then proposed, and those eminent persons agreed in thinking that they could make a successful resistance. In consequence of that opinion negotiations were entered into between the Office of Works and the lessees, which ended in the lessees withdrawing their opposition upon condition of having their ground-rents reduced, and agreeing to the construction of that road by which the public could now pass down the steps by the Duke of York's column. He had himself been of opinion that the results of that negotiation were conclusive; but, in consequence of a statement which had been made by a noble Lord in another place, he had felt it to be his duty to look more fully into the matter, and he found that some difficulties might exist as to carrying out the proposed line. Those difficulties, however, were not, he believed, insuperable, but still he feared that it would not be within his power to move an estimate for that road immediately. He thought, however, that when noble Lords and hon. Gentlemen who lived upon Carlton Terrace, saw that the Queen herself had consented to carriages passing under Her own windows, they would not throw obstacles in the way of the construction of this important thoroughfare. He knew that there was a great objection entertained to the removal of the Duke of York's column, and he found that the road could be made on either side of it as wide as many of those which led into the public parks, and, therefore, he should not propose the removal of that column. The roads, therefore, which he proposed to make were, first, a road commencing in Pall Mall, passing through the German Chapel, and proceeding along the paved road into the Mall, thence passing in front of the Palace, and running out by Buckingham Gate; and the other was a road for the convenience of pedestrians, which would run over the ornamental water by means of a bridge. It was his intention to move the estimates for those works during the following week, and, if it should be the pleasure of the House to agree to them, he would press forward the works with the greatest possible dispatch, and he believed that, when concluded, it would be found that they would provide accommodation sufficient for all requirements.

SIR HENRY WILLOUGHBY asked what the expense of the bridge across the water would be? He hoped the House would look narrowly into the subject before it sanctioned so large an expenditure for what were called improvements. The estimates, it appeared, would amount to between £40,000 and £50,000, and he did not think they ought to incur such an expense now, without necessity, seeing that the expenditure of the country, last year, was £88,500,000. He was afraid that a carriage-road into the Park, past the Duke of York's column, would encroach upon the comforts of pedestrians.

MR. RICH said, it would be a great convenience to Members coming down to the House if a scheme could be devised for relieving the traffic along Pall Mall. When the right hon. Baronet introduced the estimates he hoped this point would be taken into consideration.

SIR JAMES FERGUSSON said, that by a very simple arrangement great convenience might be afforded to the public, and which, at the same time, would obviate the objection made by the right hon. Baronet as to the danger of collision that would arise from allowing the passage of cabs by the Stable Yard, which was, that all carriages should be required to go from Pall Mall into St. James's Park through the Stable Yard, and should come from St. James's Park into Pall Mall by the road between Marlborough House and St. James's Palace. By this means all danger would be avoided, and it would obviate the necessity of expending a large sum of money for the accommodation desired by the public.

LORD JOHN MANNERS wished to impress upon the right hon. Baronet that he succeeded during the recess in obtaining the consent of the tenants of the Crown to afford this access to the Park, yet he should remember that this was a question bearing upon the convenience and comfort of the public; and he hoped, therefore, that the right hon. Gentleman would not proceed to any ulterior action until the House had had an opportunity of considering it, and deciding upon it.

MR. HUTCHINS said, that it appeared to him, as a Member of the Committee, very strange that the right hon. Baronet should not have furnished himself with information as to the opinions of the holders of property in Carlton House Gardens under the Crown before he came to the House with a scheme upon this subject. With regard to the Duke of York's column, the right hon. Baronet proposed to the Committee a scheme for making a road on each side of the column, which, on being submitted to the Committee, was unanimously rejected; and he (Mr. Hutchins) was very much surprised that the proposition was now brought forward to carry that scheme into operation.

LORD ELCHO expressed a hope that the proposition to alter the road at the Duke of York's column would not be readily assented to. If the right hon. Baronet was anxious to spend the public money by taking down statues he thought it was the general opinion of all strangers who visited London that the present position of the Duke of Wellington's statue on the Marble Arch was the apotheosis of bad taste in this country. It struck him that the statue of that great man should have been placed in Chelsea Hospital. He could conceive no place better, for there he would be surrounded by his own veterans who had fought with him in battle.

THE CHANCELLOR OF THE EXCHEQUER moved, "That this House will, at the rising of the House this day, adjourn till Monday next."

MR. HADFIELD moved, as an Amendment, that the House at its rising should adjourn till Thursday next.

THE CHANCELLOR OF THE EXCHEQUER thought he was going to an extreme length with regard to the state of public business and with respect to the duty which he owed to his constituents, in giving notice that he would move on Monday next that the House should adjourn to Thursday. He was, therefore, by no means prepared to assent to the Motion of the hon. Member.

Motion *agreed to.*

REVENUES OF INDIA.

On the Motion for going into Committee of Supply,

SIR ERSKINE PERRY:* I have received remonstrances from hon. Friends of mine on and about the Treasury bench, for venturing to bring forward an Indian subject on an evening of Supply; and I admit fully that I should not be justified in doing so, unless I entertained very strong convictions as to the pressing character of the subject, and unless I was able to adduce the highest Parliamentary authority as to its close connection with Supply. I need not recall to the House the emphatic language which Sir Robert Peel used in introducing the income tax in 1842, and in which he dwelt so strongly on the large deficiency of the Indian revenue, and the dangers thereby threatened to this country. But I will just briefly point out to the House what our financial relations with India are; why an increasing deficit should awaken in us alarm, and if that deficit becomes permanent, how infallibly the burthen will fall upon Great Britain.

Up to the year 1834, the East India Company claimed the fee simple in all their vast territorial possessions, and admitted fully that the debts, loans, and other burthens of Government fell upon them exclusively as a company. But in that year the Legislature thought fit, by what is called the Charter Act, to vest all this property absolutely in the Crown, to constitute the Court of Directors mere trustees—temporary trustees—for the administration of the Government, and thereby voluntarily undertook all the ultimate burthens and charges of the government, if that government should ever be administered to a loss. India, at this moment, is called upon to furnish about £3,000,000 sterling every year to this country, to defray dividends on India stock, interest on bond debt, payments to Her Majesty's troops, pensions, &c.; and for all these payments the faith of the Imperial Government is undoubtedly pledged. Moreover, if the annual deficit, which is now increasing, should become permanent, and the remittances to this country accordingly fail, the credit of England will have to be resorted to, and Indian loans to be opened in the city of London.

The Indian revenues, it must be recollected, are of a very peculiar character, and, unlike the Budgets of Europe, are wholly incapable of expansion on any emergency. A new tax in India is quite impossible. But many of the existing taxes are extremely precarious in their character. The main source of revenue, the land assessment, is calling out loudly for diminution in all the Ryotwary districts; the revenue from opium fluctuates in a single year from £1,500,000 to upwards of £3,000,000; and if the Chinese abolish their restrictive system, it may disappear altogether from our Indian Budget. Under the contingency, therefore, of a permanent deficit, it is to English resources and English taxation that the British Government must look; for it must never be forgotten that India cannot be cast off as a burdensome incumbrance; however completely the European delusion may be dispelled as to the inexhaustible wealth of the Indies, this country can never dissolve at will the innumerable relations and obligations which she has contracted towards that vast empire.

These considerations seem to show how necessary it is for this House to keep their attention distinctly fixed on the condition of India. Unfortunately, the public at large, and even those who are most interested in studying Indian affairs, are enabled to obtain but very insufficient evidence whereon to ground a sound opinion. More unfortunately still, the evidence we do get proceeds entirely from one quarter, from a handful of men, our fellow-countrymen in the East, who, whatever their abilities and trustworthiness, have undoubtedly many motives at work to cloud their judgments, and whose personal interests run in very different channels from those of the native inhabitants of India. If we believed all we read in every Indian newspaper, newspapers written by and for the class I am describing, and from every Indian correspondent, there could be but one opinion as to the highly flourishing condition of our Eastern empire. Railways, electric telegraphs, and annexations are the three themes which have called forth every varied form of eulogy in the English language from Anglo-Indian pens, and have undoubtedly furnished new places and promotions to nearly every member of the Indian services. What is thought on these subjects by the hundred millions of our Indian fellow-subjects, and by the fifty or sixty additional millions who are threatened speedily to become our fellow-subjects, is a sealed letter to the British public.

Under these circumstances we have but one test to apply to the flattering statements we receive by every overland mail. Fortunately for the interests of truth it is a very valuable one. The touchstone of all Governments, but especially of an Asiatic Government, is to be found in the state of its finances. Now what, after all the annexations of territory which have taken place within the last few years, and of which a return lately moved for has given valuable information to the House, what is the state of the Indian revenue at the present moment? It is the most unsatisfactory of any which has presented itself for the last twenty years, or which perhaps has ever occurred. The deficit which last year was announced to us was above £2,000,000 sterling; this year a new deficit is announced of £2,500,000, and in the year ending April, 1856, the deficit will not be less, I firmly believe, than £2,000,000. Now these are larger deficiencies than those which furnished Sir Robert Peel with one of his main arguments for imposing the income tax. In order to enable the House to take a clear general view of Indian finances, I will not, however, pick out one particular year, or dwell upon the deficiencies of the last three years. But I will present to them what I believe are the correct deductions to be drawn from a close investigation of Indian accounts during the last twenty years. For this purpose I compare the revenues and charges of India during the three years before the Afghan war broke out, and the revenues and charges of the last three years of which we have any accounts. During the first period which ended in April, 1838, I find that the average annual revenue amounted to £14,575,240, and the annual average surplus to £1,156,684. During the three years ending April, 1855, the average annual revenue had swelled to £20,459,241, but instead of a surplus the average annual deficit amounted to £1,387,865; thus making a total loss to the revenue of £2,544,540. The total loss in the last year was indeed much greater, as I have already mentioned that the deficit exceeded £2,500,000, namely, £2,543,710; therefore the whole loss in the year, as compared with the three years ending 1837–38, caused an average annual loss to the revenue of £3,700,394. But it may be said, that although the deficit in the last three years of Lord Dalhousie's government has been what I represent, during many years of his government there has been a surplus. The Marquess of Dalhousie took his seat as Governor General on the 12th January, 1848, and the following abstract shows the surplus or deficit during the eight years of his administration.

Surplus or deficit of Indian revenue during the last eight years.

	Deficit.	Surplus.
1848–49	£1,473,115	
1849–50		£354,337
1850–51		415,866
1851–52		531,265
1852–53		424,257
1853–54	2,044,117	
1854–55	2,543,710	
1855–56	2,000,000	
	£8,060,942	£1,725,725
	1,725,725	
Balance deficit	£6,335,217	

The figures for the last year ending April, 1856, are derived not from official documents, but from my own estimate, and if I have been rash in putting it down at £2,000,000, I shall fall under the correction of the President of the Board of Control.

Now, Sir, the main question for the House is, to what causes this unsatisfactory state of the Indian finances is attributable. We were informed by the President of the Board of Control last year, when he was accounting for the deficit of the £2.000,000 of 1853-4, that "it was chiefly caused by the expenditure which had been made at the instigation of this country on public works;" I, on the other hand, maintain confidently that it is chiefly attributable to wars that ought not to have been undertaken, and to annexations that ought not to have been made.

But before I examine the value of these conflicting views, let me say one word as to the responsibility which is sought to be thrown on this House, and the English public. And I beg to assure the right hon. Gentleman (Mr. Vernon Smith) that in venturing to demur to any of his arguments, I trust he will not consider me as placing myself in opposition to his Indian administration. On the contrary, I think the highest respect and gratitude are due to him from those who take interest in Indian progress and good government. It is my firm belief that no Member of the Government has distinguished himself so much by his appointments or acted more steadily on the popular, but sound, principle of placing the right man in the right place. And he has done this under circumstances which required courage and firmness to overcome them. Notwithstanding the opposition of the Horse Guards, he was the first to select a Company's officer, the distinguished General Patrick Grant, as the Commander in Chief at Madras. Notwithstanding the opposition of the Court of Directors, he has broken down the routine of periodical re-elections, and selected such men as Sir Henry Rawlinson and General Vivian for Government Directors. Above all, he has in my opinion rendered the greatest service to the Home Government of India, by selecting as the permanent Secretary of the Board of Control, an entire stranger to him, but the most eminent civilian of the whole Indian service, Sir George Russell Clerk.

But as to the responsibility which he throws on this country, it is quite true that public opinion urged expenditure on public works in India. Trustworthy statements had been laid before Parliament, that many enterprises presented themselves which would reward the outlay of capital by returns of 40 to 60 or 70 per cent. Undoubtedly Parliament was desirous to see such enterprises undertaken; and if India had been under the government of the Crown as Ceylon is, I have no doubt that British capital and private enterprise would have been as active in seeking profitable employment in India as my hon. Friend the Member for Huntingdon (Mr. T. Baring), or the hon. Member for the City of London (Baron Rothschild), whom the House will not allow to sit here, could inform the House they have been in the Crown colony of Ceylon. But if the Company's Government has ever been distrustful of private enterprise, and is thus compelled to undertake all such works by the direct agency of its own officers and its own credit, I deny emphatically that public opinion ever urged the undertaking of works on which less than 1 per cent is obtainable. Yet such is the result of the two great railways which have been commenced from the capitals of Bombay and Calcutta, and which the Government organ, the *Friend of India*, admits, pay less than 1 per cent over their most productive portions. But, Sir, it is not true in fact, even with ill-considered and profitless expenditure on public works, that the deficit is to be chiefly thus accounted for. I have extracted from the last accounts the amount spent on public works during the last year, and I find they amount to £1,648,260; but as the Company stands in the relation of a great landlord to the people of India, and has therefore many charges thrown upon it equivalent to the outlay on farm buildings, &c., by a private landlord, which must be considered altogether as permanent charges, it is necessary to deduct these latter, which in the year 1851-2, amounted to £396,348; and therefore the true sum expended in the last year on public works, and entitled to be pointed at as an extraordinary outlay, is £1,252,112. This sum evidently does not amount to half the annual deficit.

I will show what, in my opinion, are the true causes of the deficit. First of all, remarkably enough, it will be found that nearly every annexation during the last few years, operates as a dead loss to the revenues, even on its civil charges alone. I have extracted from the territorial accounts, lately laid before Parliament, the revenues and charges of such of the annexations as I find recorded, and here is the result:—

Value of annexations during the last few years, extracted from accounts laid before Parliament, 13th March, 1856.

Sind . . .	Revenues	£254,501
	Charges	552,238
	Deficit .	£297,737

Satara	Revenues	£255,000
	Civil Charges	277,034
	Deficit	£22,034
Punjab	Revenues	£956,250
	Charges, including only a portion of the military	1,015,400
	Deficit	£59,150
Burmah and Pegu	Revenues	£474,340
	Charges, exclusive of military	338,650
	Nominal Surplus	£135,690
Nagpore	Revenues	£406,840
	Charges, exclusive of military	219,945
		£186,895
	Deduct former subsidy	80,000
	Surplus	£100,895

But Burmah and Pegu must be altogether excluded at present from this calculation, because the Court of Directors admit in the last return laid before the House that the gross and net revenue are not yet known.

The whole profit and loss account of the annexations since 1842, is therefore as follows:—

SUMMARY.

Sind	Deficit	£297,737
Satara	,,	22,034
Punjab	,,	59,150
Burmah, no elements for calculation.		
	Deficit	£378,921
	Deduct Nagpore surplus	100,895
	Net deficit	£278,026

But it is to take a very inadequate view of the value of annexations if we do not consider the cost of military occupation and defence, whatever that may be. This is nowhere given in the accounts, and some hardy annexationists are bold enough to assert that there is no such item in fact—that a mere extension of our frontier or territories only requires fresh cantonments for our troops, but no additional force. Inexorable figures, however, tell a different tale, and whoever is industrious enough to search out what the permanent cost of the army was before these annexations began, and what it is now, will be able to obtain a very clear idea of what the military charge of these accessions of territory amounts to. Here is a comparison of the military charges of 1837-8, or the year before the Afghan war, with the year 1852, when the war charges only figure for the small amount of £67,293.

MILITARY CHARGES.

1837-8 the year before the Afghan war		£6,725,957
1852 War charges	£9,675,483 67,293	£9,742,776
Increase of permanent military charges		£2,949,520

The permanent military charges of annexation, therefore, amount to the sum of above £3,000,000 sterling!

Sir, having pointed out a deficit in the Indian revenue of above £6,000,000 during the last three years, and shown, I think, conclusively, that it is due mainly to wars and annexations, I will not dwell longer on the financial view of the subject, because I desire to call the attention of the House to a question, in my opinion, still more momentous, the justice of the policy which has led to these disastrous results, I mean the policy of annexation.

Sir, I am aware that I have taken up the unpopular view of the subject, and that I am speaking to an assembly where the majority have probably admitted a *primâ facie* impression that annexation, if not quite right or defensible in theory, is nevertheless inevitable, and moreover highly expedient in practice. I must, therefore, crave the indulgence which the House is always disposed to extend to the weaker side, especially when it opposes itself to popular opinion. It is, however, remarkable that public opinion in England as to Indian subjects has always gone full tilt on some theory or other, with extremely little information on the matter. At one time Lord Cornwallis's attempt to create a body of country gentlemen in Bengal was looked upon as a masterpiece of statesmanship; it is now condemned by history as one of the most benevolent but most disastrous acts which ever inflicted ruin upon a country. A few years afterwards Lord Minto threatened to depose the King of Oude if he did not introduce our revenue and judicial systems; now the chief merit of an Indian statesman is to exclude the Regulations from all our territories. Again, Sir Thomas Munro's Ryotwar system was held up as a model, and his celebrated picture of himself sitting under a banyan tree and listening to the tale of each annual cultivator, was presented as a guide to every Indian revenue officer. Now it is looked upon as the scourge of every district into which it has been introduced, and the revelations of the Torture Report give ample evidence of its pernicious effects. And so also with annexation; the plausible arguments adduced for it—our rights to the revenues of India since the burden of governing India is thrown upon us, the advantages of rounding our territory, the rich soils adapted for cotton and other products suitable for Europe, the anarchy and oppression of native rule, and the blessings of British Government—are dinned into our ears from so many quarters, that it requires some courage, and I will add strong convictions, for any one to rise in his place in this House and question the truth and justice of these statements.

Sir, I am well aware that in venturing to impeach the policy of Lord Dalhousie on this subject I shall call down upon myself the strictures of my hon. and learned Friend the Member for Honiton (Sir James Hogg). But the hon. and learned Member appears to me not to have profited by the writings of one of his most eminent fellow-servants in the East India Company, Mr. James Mill, who lays it down that the indiscriminate use of praise or blame applied to public men is a practice fraught with danger to public morality. For certainly my hon. Friend, whether he has to praise a favourite Governor General, like the Marquess of Dalhousie, or to blame a traveller in India who makes revelations unpleasant to the Company, like the present Secretary of the Board of Control, does lay on the colouring with such unsparing hand, as very much to diminish the value, in this House, of his eloquent periods.

I shall not follow the example of my hon. and learned Friend (Sir James Hogg) But in claiming the liberty essential to free discussion, while I canvass some of the acts of Lord Dalhousie's Government, I can never for a moment shut my eyes to his great qualities as an administrator. Involved in a Punjab war almost immediately after his arrival in India, I know from an eye-witness, a friend of my own who was in attendance on him, that the firmness and undaunted spirit which he maintained, amid unprecedented disasters, were worthy of all praise. The zeal and indefatigable energy which he displayed in devoting himself to the administration of the new acquisitions which that war obtained for us are equally meritorious. Above all, his strong will and inflexible purpose mark him out as pre-eminently fitted for the very highest command.

But the very qualities which I laud make the acts of such an administrator dangerous beyond measure, whenever he adopts conclusions without sufficient meditation or previous knowledge of the subject. And this I affirm to be the case as to two great features of his government, his financial operations, and his theory and practice of annexations.

I pass over entirely, now, his operations in finance. But I wish to meet my hon. and learned Friend (Sir J. Hogg) expressly on an issue which he himself raised as to Lord Dalhousie's policy on annexation. I ventured to state in this House, a few weeks ago, that that nobleman had introduced a policy which was at variance with the views of the most distinguished Indian statesmen, whom I then enumerated. The hon. and learned Member, who followed me in the few observations I made, in very polite language, but not less effective from its courtesy, completely contradicted my statement, and begged the House not to take their views of Lord Dalhousie's policy from anything I had said. Sir, it is not from any puerile views of self-justification that I have brought down to the House a few extracts from the opinions of the most eminent Englishmen who have ever been in India; but it is the intrinsic value of these opinions, the wisdom and the lofty tone of morality breathing through them, and the counsels they give as to the policy now finding favour in high places, which I desire to place prominently before the House.

I will commence with the views of a man who I conceive to be the very highest authority in modern history on the mode and spirit of conducting alliances with friendly princes—the late Duke of Wellington. He said, "I would sacrifice Gwalior, or any frontier of India, ten times over, in order to preserve our character for scrupulous good faith." Again, "In my opinion, the extension of our territory and influence has been greater than our means."

Then, hear the opinions of Sir Thomas Munro, who has been pronounced by many of the most competent judges to have wanted only an equal field of action to have shown himself as great as the Duke of Wellington himself.

> "Even if all India could be brought under the British dominion, it is very questionable whether such a change, either as it regards the natives or

ourselves, ought to be desired. One effect of such a conquest would be that the Indian army, having no longer any warlike neighbours to combat, would gradually lose its military habits and discipline, and that the native troops would have leisure to feel their own strength, and for want of other employment to turn it against their European masters. But even if we could be secured against every internal commotion, and could retain the country quietly in subjection, I doubt much if the condition of the people would be better than under their native princes. The strength of the British Government enables it to put down every rebellion, to repel every foreign invasion, and to give to its subjects a degree of protection which those of no native power enjoy. Its laws and institutions also afford them a security from domestic oppression unknown in those States; but these advantages are dearly bought. They are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable. The natives of the British provinces may, without fear, pursue their different occupations, as traders, meerassadars, or husbandmen, and enjoy the fruits of their labour in tranquillity; but none of them can aspire to anything beyond this mere animal state of thriving in peace; none of them can look forward to any share in the legislation, or civil or military government of their country. It is from men who either hold, or who are eligible, to public office, that natives take their character; where no such men exist there can be no energy in any other class of the community. The effect of this state of things is observable in all the British provinces, whose inhabitants are certainly the most abject race in India. No elevation of character can be expected among men, who, in the military line, cannot attain to any rank above that of subahdar (captain), where they are as much below an (English) ensign as an ensign is below the Commander in Chief; and who in the civil line can hope for nothing beyond some petty judicial or revenue office, in which they may by corrupt means make up for their slender salary. The consequence, therefore, of the conquest of India by the British arms would be, in place of raising, to debase the whole people. There is, perhaps, no example of any conquest, in which the natives have been so completely excluded from all share of the government of their country as British India. Among all the disorders of the native States, the field is open for every man to raise himself, and hence among them there is a spirit of emulation, of restless enterprise, and independence, far preferable to the servility of our Indian subjects. The existence of independent native States is also useful in drawing off the turbulent and disaffected among our native troops."

Sir John Malcolm may be next heard with advantage, second in authority only to Sir Thomas Munro—

"I am decidedly of opinion that the tranquillity, not to say the security, of our vast Oriental possessions is involved in the preservation of the native principalities which are dependent upon us for protection. These are also so obviously at our mercy, so entirely within our grasp, that besides the other and great benefits which we derive from those alliances, their co-existence with our rule is of itself a source of political strength, the value of which will never be known till it is lost. They show the possibility of a native State subsisting even in the heart of our own territories, and their condition mitigates in some degree the bad effects of that too general impression, that our sovereignty is incompatible with the maintenance of native princes and chiefs. * * * * I am further convinced, that though our revenue may increase, the permanence of our power will be hazarded in proportion as the territories of native princes and chiefs fall under our direct rule."

Mr. Mountstuart Elphinstone, who is, I am happy to say, still alive, and whose strong enforcement of the moral obligations resting on the British Government in India renders him, in my eyes, the most distinguished administrator the civil service of India has produced, says—

"It appears to me to be our interest as well as our duty, to use every means to preserve the allied Governments; it is also our interest to keep up the number of independent powers; their territories afford a refuge to all those whose habits of war, intrigue, or depredation, make them incapable of remaining quiet in ours; and the contrast of our Government has a favourable effect on our subjects, who, while they feel the evils they are actually exposed to, are apt to forget the greater ones from which they have been delivered. If the existence of independent powers gives occasional employment to our armies, it is far from being a disadvantage."

I will next read the opinions of a most conscientious Governor General, the late Earl of Auckland—

"I cannot for a moment admit the doctrine, that because the view of policy upon which we have formed engagements with native princes may have been by circumstances materially altered, we are not to act scrupulously up to the terms and spirit of these engagements."

I will now cite the views of the Indian statesman of our own days who has obtained the highest European reputation, Lord Metcalfe. And his opinion is the more valuable, as it touches the very question of right, on which most of our modern annexations proceed. Lord Metcalfe, in 1837, wrote as follows—

"When there is a total failure of heirs, it is probably more consistent with right, that the people should elect a sovereign, than that the principality should lapse to the paramount State; that State having, in fact, no rights in such a case, but what it assumes by virtue of its power."

Then listen to Sir George R. Clerk, who expressed himself thus in 1848, while protesting against the annexation of Satara—

"In a matter such as this, questions of assumption of a territory recovered by us, and restored to a native dynasty, I would observe, that we are morally bound to give some consideration to the sense in which we induced or permitted the other party to understand the terms of a mutual agreement. Whatever we intend in favour of an ally in perpetuity, when executing a treaty with him on that basis, by that we ought to abide in our relations with his successors, until he proves himself unworthy."

I will next cite the opinions of a general officer, who may justly be deemed the highest authority in India on such a subject. For, having been trained under Lord Hastings, Mr. Elphinstone, and Lord Metcalfe, he has passed the last forty years of his life at the courts of native princes of India. General Low is now a Member of the Government, and it was so recently as 1854, while vainly endeavouring to save the Maratha State of Nagpore from annexation, that he thus expressed himself—

"I think it right on this occasion to record my knowledge of the fact, that the confidence of our native allies in our good faith has been a good deal shaken by some of the events of late years, and especially so by our conquest and occupation of Sind, our attack upon Gwalior, and our annexation of Satara; and it seems to me in the highest degree desirable that we should now endeavour, by our acts towards native States generally, to remove from the minds of those princes their present feelings of uncertainty and distrust, and not to run the risk of exasperating such feelings into deep-rooted discontent with their own condition and prospects, and in many cases into a hatred of the British rule."

I will finish these citations with the views of Lord Ellenborough—

"Native princes are sovereigns of one-third of the population of Hindostan; and with reference to the future condition of the country, it becomes more important to give them confidence that no systematic attempt will be made to take advantage of the failure of heirs to confiscate their property, or to injure in any respect those sovereigns in the position they at present occupy."

I will now contrast with these, the trenchant views of Lord Dalhousie, laid down by him on the 30th August, 1848, that is to say, when he had been only seven months in India, when he could have gained no Indian experience or knowledge, and when, as a young man of thirty-five, it would be the grossest flattery to compare him to those Indian statesmen who had formed their conclusions after forty years' experience.

"Minute on the Rajah of Satara.

"I take this fitting occasion of recording my strong and deliberate opinion that, in the exercise of a wise and sound policy, the British Government is bound not to put aside or to neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves; whether they arise from the lapse of subordinate States by the failure of all heirs of every description whatsoever, or from the failure of heirs natural, where the succession can be sustained only by the sanction of the Government being given to the ceremony of adoption according to Hindoo law."

Having laid down this policy in these positive and unmistakeable terms, observe how systematically Lord Dalhousie has carried it out. He states, as his deliberate opinion, that no rightful opportunity should be neglected of acquiring territory or revenue. On every opportunity that has occurred he has declared it rightful. A paper I lately moved for, speaks volumes on this subject; it is not nearly so full as it might be, for it omits the Punjab and his first and last annexation, Satara and Oude; the first, the clearest violation of what all Hindoos deem right and justice; the second quite as completely opposed to all that international law has sanctioned, and public opinion consecrated, as right in Europe. Observe also the mild language which this Parliamentary Paper applies to the greater number of annexations which have taken place—failure of heirs. Jeitpore, failure of heirs; Bughat, failure of heirs; Oodepore, failure of heirs; Nagpore, failure of heirs.

Sir, I am sorry to be compelled to speak out so plainly, but this statement is not true. I challenge any one in the House, acquainted with the principles of those codes of law which recognise adoption, whether an adopted heir is not clothed with all the same legal rights which belong to a natural-born heir? You have seen by my extract from Lord Metcalfe, the very highest authority on such a subject, that this was the case in Hindoo law, and exactly the same principle is recognised in the Roman code.

Most of those States which Lord Dalhousie has annexed, and all those which the Court of Directors refused to allow him to annex, possessed heirs to the sovereignty, with as clear rights by law to succeed as the noble Marquess himself possessed to his hereditary titles.

Quite independent, therefore, of the policy of annexation, I assert boldly that, in the eagerness and desire to obtain fresh territory and revenue, the long string of Hindoo principalities, beginning with Satara and ending with Nagpore, have been annexed by Lord Dalhousie, to the complete violation of Hindoo rights and time-honoured customs.

Then, again, as to Burmah. I was in India when the war broke out, and I deemed, with most others, that it was owing to blunder, and that the unfortunate selection of a naval captain with his ship of war to conduct matters of diplomacy, requiring tact and experience in all countries, but with an Asiatic prince a profound knowledge and attention to the minute forms of Eastern ceremonial—I conceived that this unfortunate selection was the sole cause of that deplorable war. But now having had the advantage of surveying his whole career, the policy so sharply defined immediately on arriving in the country, the practice so completely in conformity with it during the whole eight years, I am compelled to the conclusion that Lord Dalhousie saw his way clearly throughout, and that he chose his own instruments to carry out a preconceived policy.

When I come to the latest annexation which has been made known to the British public, the kingdom of Oude, a totally different justification is attempted; right is no longer assumed, nor self-defence, nor the policy of curbing an insolent neighbour who might become dangerous or aggressive—but simply the moral duty which is thrown upon us as the lords paramount of India to introduce good government, and extirpate the anarchy, extortions, and oppressions which have prevailed in those provinces. Sir, I believe firmly that this is the general impression which prevails in the public mind with respect to Oude. It is thought that the question of right will not bear investigation, but that the native Government is so bad, and British rule so beneficent, that the violation of abstract right is justified by the vast benefits which will flow from it over millions of our fellow-subjects. It is never failed to be added to this reasoning, that a surplus of two or three millions sterling will accrue from the annexation to the treasuries of Calcutta or Leadenhall Street.

Even assuming that all these statements are true, I would ask if any immediate advantage to be obtained in revenue or police can compensate for the destruction of our moral influence and the weakening of the faith in British morality which every violation of principle is sure to create in the native mind.

But I demur confidently both to the flattering picture of British Government and to the sombre colours in which native rule is depicted.

I believe firmly that if it were the interest of any body of Englishmen in India to cram the Indian press with recitals of all the atrocities which take place in Bengal, the total absence of any effective police, the bands of bludgeon-men maintained by rival landowners, and engaged in mortal conflict up to the very gates of Calcutta, I believe that I myself, on ransacking the files of the *Friend of India*, during the last fifteen years, could present as dark a picture of misgovernment and anarchy in Bengal as is said to exist in the dominions of the King of Oude.

Fortunately it is not on the value of my opinions, or the opportunities of observation which I personally may have had, that this discussion can turn. History comes to our assistance as to this very kingdom of Oude, and as to an annexation in every way akin to that just completed by Lord Dalhousie. In 1801 the Marquess of Wellesley annexed one-half of the same kingdom, and his proclamation setting out the reasons why, extolling the beneficence of the Anglo-Indian Government to be established, and portraying the evils of the rule which was about to be extinguished, is exactly similar in form, argument, and, indeed, language, to that lately issued by Lord Dalhousie. Both, no doubt, were taken from a common form in the Secretariate, to be applied when any rightful opportunities for annexation occurred. But what are the calm and solemn judgments of the historians of India on these transactions, of the stern and uncompromising Mill, of the scholarly and conservative Wilson, both servants of the East India Company? I will take the liberty of reading one passage from the latter writer, where he is commenting on the threat of Lord William Bentinck to do what Lord Dalhousie has just done, to annex the remaining half of Oude for the sake of establishing good government:—

> "Although recourse to such a violent mode of cure might have been justified by the supposed extremity of the case, yet, as we have already had occasion to observe, it may be questioned if the case was as hopeless as had been represented. The misrule of native princes was no novelty in the history of India, but the deplorable accounts of its effects in Oude seem to have been repeated without sufficient investigation. That the Sovereign was dissipated and prodigal—that his favourites, whether in the interior of his palace or in his Court, were extravagant and corrupt—that the police was lax and inefficient—that the system of farming the revenues, and intrusting the farmers with discretional power was pregnant with gross abuses, and productive of exaction and oppression—that the landholders were driven by it to occasional resistance, which the unaided force of the Government was unable to overcome—and that in many parts, particularly on the borders, bands of marauders plundered the peaceable inhabitants, both of Oude and the territories of the Company, with impunity: all these things might be perfectly true; but it did not, therefore, follow that the people at large were intolerably burdened, or that the country was in a state of irremediable

anarchy or uncurable decline. We have evidence to the contrary; and the frequent assertions of ocular witnesses are on record, that Oude was in as prosperous a condition as the Company's own provinces, and that whatever grievances the people might endure, they considered them light in comparison with the unrelenting pressure of the revenue system of their neighbours, or the wearisome and vexatious processes of their courts of justice. Certain it is that the subjects of the King of Oude never showed any disposition to seek a refuge from their miseries in the contiguous districts under British rule, and that the tide of emigration, so far as it influenced the undulation of the population, was more inclined to set in an opposite direction. At any rate, whatever might be the condition of the people, and however susceptible it might be of alleviation, there was no reason to believe that its improvement was alone to be secured by their transfer to foreign domination. The Governor General had the power by treaty, and the right to dictate to the Government of Oude the course to be followed. The right was not only recognised, but its exercise was requested; and yet, with a strange and incongruous perversity, the interference was withheld, as if it had been the policy of the British Government to create by non-interference for preservation a crisis which should warrant its interfering for the total subversion of the sovereignty."

Sir, it is not necessary for those who keep steadily before them, as the pole-star of our policy in India, the maintenance of inviolable good faith, to deny that in the kingdom of Oude great misgovernment occurs; dissoluteness and profligacy on the part of the King, extortions by the revenue officers, anarchy in the provinces. But truth compels those who look closely into the story of British connection with Oude to admit that for all this misgovernment, the British, and the British alone, are responsible. From the moment that Warren Hastings first established the baneful system of British interference in Oude, ninety years ago, the powers of Government have been completely in our hands. We found it the garden of India, with a revenue of £3,600,000 a year, and a happy and contented people; we now annex it with a revenue of £750,000 a year, and anarchy in every district, the results of our own maleficent interference. True enough, Oude, and Lucknow its capital, is full of corruption and vice; but is it wholly native?—has this House no recollection of Mr. Burke's words at the end of the last century, when he asserted that Lucknow "was the centre and focus of extortion, corruption, and peculation?" and he was not alluding to natives. If the President of the Board of Control will consult the records of his department, and that distinguished Secretary whom I before mentioned (Sir George R. Clerk), he will ascertain that this corruption and peculation have continued since the time of Burke, and that there is no spot in British India where the British name has been so tarnished by British misconduct as the capital of the kingdom of Oude.

Sir, I confess that when I read the history of many of our territorial acquisitions in India, but especially in this kingdom of Oude, my blood boils within me when I think of the open violation of principle and disregard of the rights of others which have accompanied them. But when I turn to what is going on in our own days, when I see a reproduction of the same arguments, the same indifference to public right, the same exaggerated views both of the benefits of British Government and of the evils of native rule, I feel almost a participator in what I consider national guilt, unless I seek or make an opportunity for recording a vehement protest.

But it is not only, or chiefly, a disapprobation of what has been done that has led me to ask the attention of the House. The difficulty to retrace our steps, a consciousness of my own insignificance and inability to arouse this assembly, would have probably kept me silent if there had been no future before me. But annexation has not yet half performed its work. The British enumerate some hundred millions of fellow-subjects in India; there are still 50,000,000 or 60,000,000 under native rulers; 200 native princes, to whom there will undoubtedly be "Failure of Heirs," or other all-sufficient reasons for dispossessing them of their principalities, if England shall adopt the policy of Lord Dalhousie. Even now the Indian press, backed up by still more powerful organs of Indian opinion in this country, are hounding on the Indian authorities to annex the Nizam's territory. Next will present itself the fertile territory of Malwa, with its inexhaustible black soil, so rich in cotton and opium. Guzerat, still more fertile, and with the best cultivators in India, adjoins it, and is even more tempting. Rajpootana and the rest of the 60,000,000 will follow as a matter of course.

I trust that even on financial considerations the House will pause awhile before it lends its assent and approval to these annexation doctrines. But on the still higher grounds of right and justice, on the obligation, which rests upon this nation as a great Christian Power, to prove by our example and conduct in the East, the superiority of that pure religion we profess, and of that morality of which we are always boasting, I do earnestly hope that some of the observations I have made, but especially the opinions of the illustrious men I have quoted, will induce the House to interpose by its authority, by its inquiries, by its protection of those interests committed by Providence to our control, and check that headstrong propensity in our Indian rulers to territorial aggrandisement, which, if not founded on right and justice, must tarnish the British name, and ultimately imperil the permanence of our government in the East.

Mr. MURROUGH: Sir, it can occasion no surprise to one so astute as the right hon. Baronet, that, in seeking to attract the notice of the House to the question more immediately before it, he should in some degree divert our attention to that strangest of all anomalies—the divided Government of India. In the reign of Elizabeth, in the most palmy days of the Mogul dynasty, when the son of Akbar ruled an empire twenty times more populous and powerful than England and removed from her by a year's voyage —when an English man of war was seldom seen within 1000 miles from the Bay of Bengal—when the Company were without territory, and the holders of a mere factory by the sufferance of the Court of Agra, it was undoubtedly necessary that there should be delegated to them powers of sovereignty adequate for self-government and self-preservation; but in the present day, now that British dominion is firmly established over a population of 150,000,000, and a territory extending from Cape Comorin to the Himalaya—now that a few weeks suffice for transit from London to the seat of the Indian Government, it may be well doubted whether, were the government of the Company of the most paternal description, a division of power between the Sovereign of these realms and a Directory in Leadenhall Street would be politically defensible. But, Sir, far from being the most paternal, the government of the Company is the most intolerable; it is, therefore, not to the mere philosophic theory of governmental systems that this House should apply itself, but to the inquiry what is the conduct of the East Indian Government towards the native population, and how far that Government merits the indulgence of this House. Sir, our attention has been directed to the annual decrease in the revenues of India; I tell the House that under the present system that deficiency will be greater. India is now labouring under that social disease beneath which England groaned in the time of the Stuarts, and from which Ireland has but recently recovered. The want of a paternal and responsible Government, of independent and impartial legal tribunals, the consequent disorganisation of the rights of property, the want of a fixity of tenure in the land—these wants are felt from the Court of the native Prince to the cottage of the native cultivator—the ryot feels that improved cultivation would only produce increased extortion, accompanied perhaps with torture,—the native Prince feels that a well-organised Government would merely provoke the rapacity of his natural oppressors. In addressing myself to this question I will not suffer my hostility to the Company to betray me into general and unsupported charges of oppression, which would merely extort a certain amount of unappropriated and therefore useless commiseration, but will deal with a few authenticated instances of tyranny. Passing by the Madras torture and Oude cases, which will hereafter be brought under the notice of Parliament, I will take the case of the Rajah of Coorg. The ancestors of the Rajah had been the unshrinking allies of England at a time when that alliance, to a Prince whose territory bordered so closely upon that of the Mysore, was most perilous. The Rajah himself had been in undisturbed alliance with the British, and had lent the hon. Company many thousands upon the security of their promissory notes. At length a foul murder was committed on his territory and the murderer fled into the Mysore. The Rajah demanded his extradition in order that he might be brought to justice, and the British Resident having refused, the Rajah seized a vakeel as a hostage. Immediately upon this, British troops were marched into Coorg, the Rajah's guards were cut down, he himself was carried to Benares, his palace was sacked, and, amongst the plunder taken, were the very promissory notes given by the Company for securing the Rajah's loan, which now they refuse to pay. What is this, I ask, but bill stealing of the most sordid, cowardly, and disgraceful character? Take, again, the case of the Maharanees of Nagpore, which is a case of torture, not, I admit, in a violent sense of the word, by the application of the kittee to the hands, or powdered chillies to the eyes of these ladies (for those are expedients which I believe the hon. Company reserve for the extortion of confession or revenue), but torture not less acute, because prolonged and mental. On the death of the late Maharajah, his widows, in the undoubted exercise of their rights, according to Hindoo law, proceeded to nominate his infant successor to the vacant gadee, upon which British troops marched into Nagpore, threw the Ministers and the relatives of the late Sovereign into the common gaol, swept away the private property of the widows to the extent of two millions and a half, filled the palace of these illustrious ladies with Sepoys, under the command of a British officer, and deprived them of the means of even exercising the rights of their religion until they had extorted from them a release of their legal rights. Sir, two of these ladies are now no more—no discussion in this House can affect them—whether, borne down by accumulated indignities, they perished by poison administered by their own hands, or by the servants and at the instance of the Directors, is one of those fell mysterious secrets which fiends, both human and unearthly, have conspired to consign to the dark archives of hell; but be this how it may, the Company are equally their murderers. This House, in which boundless wealth can purchase the remission of so many sins, may, indeed, acquit them, but they stand attainted of murder before that higher tribunal by which so many of the judgments of this world will be reversed. This is a case paralleled only by that spoliation of the Begums of Oude, which excited so much indignation against Warren Hastings. Sir, perchance the right hon. Baronet may be tempted to deny these cases; but I caution the House to take care what credence it attaches to the denials of the right hon. Baronet. When the late Member for Newcastle asserted that torture, for the purpose of extorting confession and revenue, was of common occurrence in Madras, he was met with a most indignant denial by the right hon. Baronet and the hon. Member for Guildford, and the House gave credit to that denial; and no marvel, the hon. Members possess in an eminent degree many of those attributes which Milton has assigned to a conspicuous speaker in another celebrated council—

> "In act most graceful and humane,
> Their tongues drop manna."

No marvel, then, that the House should at that time have given implicit credence to their denial; but how was that denial justified? Why, the Report which has since been issued shows not only that torture is customary at Madras, but that the right hon. Baronet and the hon. Member for Guildford, having resided there, must have been perfectly aware of the existence of the practice. Perhaps the right hon. Baronet may allege that one unconnected with India has no title to indulge in these comments. I rejoin that the facts are so plain and unmistakeable as to be within the comprehension of the meanest intelligence. The hon. Baronet may accuse me of having wantonly assailed the character of honourable men. Sir, I am willing to confess that either I have wantonly assailed the character of honourable men, or that the East India Directors have by their acts become fit objects for public execration. This is the issue which I seek to raise. I know full well the peril of the encounter. I know the severity of the censure which this House is accustomed to pass upon unsupported calumnies; but on this issue I am willing to put myself upon the country. Does the right hon. Baronet dare to accept my challenge? If so, let him demand a Committee to inquire into the facts, a demand to which the Government which he supports cannot refuse him, but which an isolated Member like myself is so utterly unable to obtain. Sir, I cannot conclude without expressing my regret that His Highness the Rajah of Coorg and the Maharanees have not reposed their confidence in a more powerful protector; conscious of my own feebleness, I implore the protection of the justice and humanity of the House, and the aid of those powerful organs which have so much weight upon the public mind of this country, not only on behalf of those illustrious individuals, but for the purpose of protecting the native population of India, whose Government should be directed by the wisdom of the wisest, the talents of the brightest, and the integrity of the most just, from that gang of guilty and rapacious miscreants who have so long oppressed them, and the control of that feeble Minister who is both powerless and unwilling to protect them.

MR. VERNON SMITH said, he hoped

the hon. and learned Gentleman the Member for Devonport (Sir Erskine Perry) would not think him guilty of any disrespect if on the present occasion he declined to enter into any details on the question which he had brought before the House; still less did he think it necessary to reply to the speech of the hon. Gentleman who had just sat down. He did not think that such charges as the hon. Member had made required an answer either from himself or from any other hon. Member. He hoped he should not be thought guilty of any discourtesy to the House in pursuing that course, which had indeed been made necessary by some want of courtesy on the part of the hon. and learned Gentleman (Sir E. Perry) towards himself, the hon. and learned Gentleman having assured him that he would not bring forward his Motion to-night, but postpone it to a future occasion. Up to that morning he was not aware that the hon. and learned Gentleman was going to bring it on—up to the time he rose he did not suppose that the hon. and learned Member would really bring it on. His reason for being unwilling to go into a detailed statement was, that there had been a sort of agreement come to by that House that a day should be set apart for the promulgation of what was called the Indian Budget. To that arrangement he (Mr. V. Smith) entirely assented, because he conceived it to be most convenient that a night should be fixed on which the House might enter upon the subject in Committee; and although it had only been the practice to make a speech, but not to take a Vote on the question, yet it was obviously much more convenient that the consideration of the question should be in Committee of the House rather than in going into Committee of Supply. But the day which the House had agreed upon had not yet arrived. The only valid excuse for requiring him to anticipate his Indian Budget would be that hew as unnecessarily delaying that statement; but such a plea was wholly inapplicable to the present case. The House came last Session to a Resolution recommending the production of accounts of the receipts and expenditure of the Indian Government up to April in the preceding year, together with estimates of the anticipated income and outlay for the coming year. Directions had been sent out to India to urge the most expeditious compliance with that Resolution, and the consequence was, that the accounts would be presented earlier this year than they had ever before been, and even earlier than required by the Resolution of the House of Commons; for whereas that Resolution required them to be ready in May, he had laid them on the table in April. The usual course taken was, first to draw out a sketch estimate for the ensuing year, and afterwards more carefully to prepare an actual estimate. The actual estimate for 1855-6 was already in England—an instance of dispatch unequalled at any former period; and the sketch estimate for 1856-7 would probably arrive here in June. The Resolution of the House had therefore been strictly followed, and the improvement effected was highly creditable to the Indian Government. By this means he hoped that an opportunity would be afforded him of bringing forward his Indian Budget at an earlier period of the Session than usual. The hon. Gentleman was in error in supposing that he (Mr. V. Smith) had ever sought to throw on the House of Commons the responsibility for the execution of public works in India. All such responsibility of course devolved on the Court of Directors and the President of the Board of Control, who had no right—nor had they any desire—to shelter themselves behind that House. The hon. Gentleman asserted that the expenditure on public works did not yield a better return than 1 per cent. This might be true, indeed, if the military works and repairs, which would not produce 1 per cent or any revenue at all, simply because they were not undertaken for the purposes of revenue, were included, but the works of general improvement were certainly far more profitable. Recent information showed that the works of irrigation undertaken in the Madras Presidency, if they had not realised the most sanguine expectations formed of them, had yet on the whole proved satisfactory, the increased revenue accruing from them either wholly or partially covering their cost. As to some of them, the return was very large. The increase to the revenue arising from one of these works was as high as 62¾ per cent; in another it was even 148¾ per cent; and in a third it actually reached 323 per cent. These, he admitted, were but small instances of expenditure on irrigation; yet, with many other examples which he might quote, they tended to prove that the outlay on public works was not nearly so unremunerative as the hon. and learned Gentleman fancied. Even the hon. Member said this branch of the expenditure was £1,200,000. That amount formed a very large proportion of last year's deficit of £2,500,000, the remainder certainly being due to a falling off in the revenue with an augmentation of charge. The hon. and learned Gentleman, however, maintained that the deficiency was mainly attributable to the successive annexations of new territory; but he had not shown that those annexations had cost £1,200,000. But, looking at that question fairly, how did it stand? Scinde, Sattara, the Punjab, Pegu, Nagpore, had been annexed. It might not be quite correct that Scinde, as a certain high authority had once alleged, was the most profitable annexation that had ever been effected; but he must protest against such a question being tested by mere considerations of pecuniary profit. The owner of a private estate might have good reasons for desiring to add an adjoining piece of land to his property without expecting it to yield him a large return in money. So in the case of a State, if the object was to get rid of a turbulent and troublesome neighbour, who kept you in a state of perpetual disquietude and alarm, the annexation of additional territory might be a very prudent step, apart from mere pounds, shillings, and pence. Such was the fact in regard to the Punjab and Scinde. The hon. and learned Gentleman talked of a settled policy of annexation; but the truth was, there was no such thing, it was a mere chimera produced by his own imagination. Every Governor General went out to India with a sincere desire to maintain peace, but when they arrived there, they frequently found themselves compelled by circumstances to a different policy. Each separate case of annexation must be viewed upon its own merits—such a measure being advisable under certain circumstances and wholly impolitic under others. It was, moreover, very unfair to take the return for the first years after the annexation of a province as a criterion of its results, as it was notorious that the period immediately succeeding the acquisition of a private estate or a public territory was the one least productive. They had been told by the hon. and learned Gentleman that, in the case of Oude, there would be no surplus revenue, and in the first year very likely that might be the fact; but he believed that eventually a very considerable revenue would be derived from that State. His calculations as to the deficit in the various States differed in some degree from those of the hon. Member for Devonport, for he made the deficit in Scinde, in 1854, £279,128, and, in 1855, £275,128; in Sattara, for the last year, the deficit was £20,657; and in the Punjab, last year, £55,453. It must, however, be remembered that the deficit in the Punjab included the expenditure of 34½ lacs upon public works, and that but for such expenditure there would have been a surplus of £262,500. It was true that the public works projected in that district might have been more extensive than were absolutely necessary, and the Court of Directors had sent out remonstrances on the subject. He (Mr. V. Smith) had no doubt, however, that many of the improvements which had been effected, especially in the construction of roads, would ultimately yield an ample return for the amount expended. In Pegu there had been a surplus revenue; and although, according to the principles of the hon. and learned Gentleman, that was probably a State which he would have been least desirous of seeing annexed to an Indian Empire, it had been as profitable as any which was attached to our Indian dominions. According to his (Mr. V. Smith's) calculations, the net deficit on all the provinces had been £166,993. He regretted that the hon. and learned Gentleman had not taken, as the authority for his statements, a return of the Indian receipts and expenditure which had been produced on the Motion of his hon. Friend the Secretary to the Board of Control, and which afforded a more complete view of the finances of India than the returns which were made under the authority of the Act of Parliament. He certainly thought that the largest item in the deficit arose from the expenditure on public works; and, although expenses had been entailed by the annexation of territory, there could be no doubt that they would eventually be compensated by the revenues which would be derived from the annexed provinces. With regard to the next head of expenditure—namely, the increase of charges—there was undoubtedly a tendency on the part of all distant Governments to increase charges. He could assure the House that the promotion of economy and the diminution of charges in India were objects by no means easy of accomplishment. In this country public opinion, as expressed by the House of Commons, acted as a powerful check upon any outrageous expenditure; but the only public opinion that could act upon the Indian Government was that of the civil service, and it was scarcely to be expected that the members of that service should manifest any strong feeling for the reduction of expenditure in that department of the Government with which they were connected. The Indian service contained, probably, more eminent men than any service in the world; but it was too much to expect that, living in a limited society, and in such a confined atmosphere of public opinion, they should set themselves manfully to the work of cutting down and destroying each other's fortunes. The present Governor General, he knew, went out to India with a determined intention of enforcing economy; but any Governor General who endeavoured to economise the Indian expenditure would undertake a task which would be most difficult of accomplishment, and must be prepared to encounter a vast deal of odium; and they might remember that Lord W. Bentinct, who, when he was sent out in that capacity, determined to cut down unsparingly the military and civil expenditure of India, in order to equalise the revenue and the expenditure, encountered the strongest opposition in carrying out his plans. There was, perhaps, no more difficult and painful task than that of cutting down the expenditure of establishments without being buoyed up by public applause, or backed by sympathy of any kind. He (Mr. V. Smith) must say, however, that, since he had held the office of President of the Board of Control, whenever he had pressed upon the Court of Directors the adoption of economical measures, they had always given to such measures their cordial support. The reduction of the public expenditure in India would be a work of years, and could only be effected by the greatest energy on the part of those who undertook the duty. A considerable amount of the Indian expenditure was incurred for military purposes, and it was not easy to reduce expenditure of that kind. During the formidable war which had recently been waged in Europe it had been asked, "Why not bring to the Crimea a portion of the Indian army?" Some regiments in the Queen's service had been transferred from India to the Crimea, but he thought it would have been most impolitic to have further diminished the military force in India at that time; and he did not know that it would show any great wisdom at any time to do so. It was absolutely necessary to maintain an efficient army in that country, in order to provide for the suppression of local outbreaks. Some time ago, in addressing the House, he described India as, at the time, in a state of entire tranquillity, but at that very moment the Santhal insurrection was raging; and it was against such unexpected outbreaks that it was necessary to maintain a state of preparation. With regard to the Indian civil service, he must say he thought some of the officers in that department received larger emoluments than persons holding a corresponding position in other colonies. He knew no reason, considering the facilities of communication with India which now existed, and the furloughs which were allowed to officers in the Company's service, why the civil servants of the Company in India should not be placed upon a footing more nearly approaching that of civil officers of the Government in other colonies, considering always the varieties of climate and circumstances. In that respect, probably, a reduction of expenditure might be effected. But that was a great question, and admitted of no immediate solution, because every one knew that if you wanted to make economy hateful, and by being hateful impracticable, you could not take a better way than by reducing existing interests. He thought the hon. and learned Gentleman who brought forward this question had gone somewhat too far in saying that taxation in India was at present carried to such an extent that no addition could be made to it. He (Mr. V. Smith) thought that by a judicious reduction of the present taxation it might be possible to increase the amount of the revenue, and he believed that the land assessment might be reduced with great advantage. There were some taxes, like the moturpha tax, which ought not to be maintained; but it was difficult to find a substitute. He had been somewhat surprised to see that a noble Lord who was lately Governor General of India (the Earl of Ellenborough) had stated that he could not discover the mode of making the revenue of India meet the expenditure; but, although that declaration might not give a very encouraging idea of the prosperity of the country, it might afford some solace to those who were called upon to administer its revenues, if their efforts to do so were unsuccessful at first. He was not prepared at that moment to discuss the large question of annexation. The papers in connection with the affairs of Oude, to which the hon. and learned Gentleman had referred, would be produced as soon as they could be got out of the hands of the printer. The Government were anxious that the whole case should be laid before the country, and believed that if the public expressed any opinion on that annexation it would be to reproach them for not interfering sooner and bringing into something like order the anarchical state of things which existed in that kingdom—a state of things, be it remembered, upheld by their arms, and for the continuance of which, for so long a period, they were in some degree responsible. It was not his intention to forestall the only speech which his office obliged him to address to the House by entering at greater length into the discussion of Indian affairs. He was always ready to listen to advice; but Indian questions should be dealt with calmly, and not in the passionate strain adopted by the seconder of the Motion. The hon. and learned Gentleman (Sir E. Perry) had directed his attack, not so much on the policy of annexation generally, as on the policy of annexation pursued by Lord Dalhousie. Lord Dalhousie was on the way home, and he trusted he would return in such an improved state of health as would allow him to defend in Parliament that policy which he pursued with so much vigour, ability, and success in India. Lord Dalhousie had displayed during his administration of India the greatest energy, assiduity, and devotion to the public service; and when his hon. Friend complained of his annexing policy and the increased charge on the revenue he might as well have also alluded to the support he gave to the establishment of railways, the electric telegraph, and other public works, which would associate his name for ever with the advancement and prosperity of our Indian Empire. After eight years of administration he resigned the country over which he presided, to his successor, aggrandised and increased in extent; and when his hon. Friend said that he left it with a deficiency in the revenue, the real answer which he had to make to that was, that whereas he (Mr. V. Smith) had last calculated the deficiency in the Indian revenue at £2,500,000, he could now state, in April, 1856, that it would not be more than £1,900,000; and if he might rely on a calculation from a private source it would scarcely amount to £1,800,000.

MR. OTWAY: Sir, it appears to me that a sufficient justification can be found for bringing forward the Motion now before the House, in the admission which we have heard made by the right hon. Gentleman the President of the Board of Control—namely, that there is an actual deficit in the Indian revenue, to the amount of nearly £2,000,000 sterling, and that taxation in India has now reached its limits. Now, if such be the fact, let me ask, does it not disclose a most fearful and disastrous state of things in India? and if it be a fact that our Indian revenues are diminishing thus, let me ask the right hon. Gentleman and the House from what source is it proposed to make up this deficit? It appears to me that the prediction of Sir Robert Peel and other great statesmen upon this question must be fulfilled, and that upon this country this deficiency must inevitably fall, inasmuch as the connection between this country and India in financial matters is much more intimate than the public generally have any idea of. But how stand the facts at the present moment? I hold in my hand a return, for which the House is indebted to my hon. Friend; and in one portion of this document is set forth the balance in hand at the present time in the Indian Treasury, and in another part of it will be found a statement of the cash balances two years previously. Now, I find that it has been stated by the Finance Secretary at Calcutta, Mr. Dorin, a very eminent financier, and also by Mr. Grant, who is likewise a very high authority upon such matters, that they considered that, in order to carry on the Indian Government efficiently and satisfactorily, there should not be a less cash balance than £14,000,000 in the Indian Treasury. Now, according to the returns I have here, it would appear, that in the month of April, 1853, the cash balance then in the Indian Treasury amounted to £14,427,314; that sum in the course of one year, that is to say, in 1854, was reduced to £13,188,244; but, in the course of the next year, what do we find? Why, we find that in the year 1855, this balance had been actually reduced to £7,828,125, thus showing that in the course of one year an actual diminution had taken place to the enormous sum of over £5,000,000! Such was the state of things in the year 1855, though in the course of that very same year the right hon. Gentleman told the House that the cash balance in the Indian Treasury should never be less than £10,000,000 or £11,000,000. But when this state of things is made apparent to the public, the right hon. Gentleman tells the House that the deficiency is accounted for by the enormous amount which it had been found necessary to expend upon public works. Well, I can only say that the statements which have been laid before the House in reference to the sums expended upon public works, appear to me to be exceedingly confused and unsatisfactory, and also to be, in many instances, quite contradictory, because in comparing the statements of expenditure furnished by the right hon. Gentleman with those of the authorities in India, as appeared in a return furnished upon the Motion of the hon. Member for Poole, there appears to be an enormous discrepancy in the sums stated to have been expended upon public works. By that return it appeared that in the year 1853 the total expense incurred for buildings, roads, and other public works, which did not include repairs and military buildings, did not exceed, for the whole of India, about £400,000, but Mr. Grant stated the amount to have been £1,800,000. Then, again, in 1851, Sir Charles Wood estimated the costs of public works in India at about £400,000, while Mr. Grant sets it down at £1,120,000. Well, in 1852, Sir Charles Wood estimates those expenses at £400,000, while Mr. Grant's estimate amounts to £1,532,000; then comes the Estimates for 1853, for which year Sir Charles Wood takes credit for £700,000, and Mr. Grant for £1,706,000. In 1854, the respective Estimates stand thus—Sir Charles Wood's at £802,000, and Mr. Grant's £2,367,000. And lastly comes the year 1855, which Sir Charles Wood states amount to £850,000, while Mr. Grant states that they amount to £2,810,000; so that, on the whole, it would appear, from those extraordinary documents, that in the course of the very short time I have mentioned, the Estimates supplied by Sir Charles Wood amount to £3,152,000, while those furnished by Mr. Grant amount to no less than £9,536,000. Now, I think it must be quite apparent to the House, from those contradictory statements, that any financial returns coming from India should be regarded with every caution and suspicion. Now, Sir, it is not my intention, on the present occasion, to pursue this theme of our financial policy in India any further; but I cannot forbear making this observation, namely, that it must be quite clear to this House that the revenues of India have been for some time rapidly and alarmingly declining, and therefore it becomes the imperative duty of this House to watch narrowly and jealously the course of policy pursued by this country towards our vast territorial possessions in India; for, if it do not, be assured that sooner or later this House and the country will inevitably have to bear the whole of the responsibility consequent upon the present deplorable state of the finances of India. With regard to what has been said about the East India Company's facilities for raising revenue, just let us see what these facilities are: they consisted of loans; and how had these loans been effected?—they had been effected in this way, that in the short space of two years, that is to say, from the year 1841 to 1843, the Government of India had effected loans to the amount of about £5,000,000, and that, too, at the rate of 5 per cent interest. In the two following years they borrowed £2,000,000 more at 4 per cent; but from 1846 to 1851, they borrowed £8,500,000 at 5 per cent; or, in other words, they kept on borrowing money for the years I have mentioned at an average rate of about two-thirds of a million per annum, and generally at 5 per cent interest; so that it would appear that the resources of the East India Company for raising revenue were small indeed; and I do not think I could give a better answer than what I have just stated to that part of the statement of the right hon. Gentleman in which he spoke of the flourishing resources of the Company. I will not attempt to follow the right hon. Gentleman through his arguments in favour of annexation, but I will take the liberty of reminding him that he has very carefully and studiously avoided any approach to an attempt to defend annexation upon principles of morality. I say, then, that apart from the consideration of this question of finance altogether, and looking only at this annexation question in a moral point of view, I say that it would be impossible for any one to defend the annexation of Oude upon moral grounds; and I believe that in this opinion I am fortified by the opinions of the great bulk of the people of Europe, Asia, and America generally. I feel that it would be worse than useless in me to follow up this argument at any greater length; but I will ask the House to apply for a moment to some European nations the principles and policy pursued in respect to the King of Oude, and mark how it would operate. Let us suppose for a moment that the Emperor of the French were to argue in this way. That in Spain there was an immoral Sovereign, and that country was ill governed, and so for the sake of humanity and Christian morals he was determined to invade that country with a French army, and annex it to France; let me ask, would this country support the Emperor of the French in such a proceeding? I need not ask what the proceeding of this country would be under such circumstances. Well, then, the very same argument would apply with equal force to the kingdom of Naples. But let us come nearer home, and carry back our recollection to the period when the Throne of this realm was occupied by one whom the public regarded as a profligate and dissipated Sovereign, and when Ireland became so misgoverned and disaffected under that reign that the same argument might be applied to this country, let me ask how would this country have received such doctrines? But I may be told that this line of argument did not apply to Europe; my answer to that is, that I say with Mr. Burke that I cannot understand "geographical morality," because I contend that that which was considered to be good and moral in Europe would be equally good and moral in Asia, and therefore I say I should like to know the latitude and longitude by which these "principles" are bounded, for we have seen that this country would not recognise them as being applicable to the conduct of the Emperor of Russia in his late aggressions. Let the House look at the clear and comprehensive manner in which the whole question had been put before the public in the column of *The Times* newspaper, a paper that has proved itself generally to be the strenuous vindicator of the privilege and rights of the people; that paper was the boldest and the ablest advocate of annexation, but in its latter arguments it reduced the question to one of money, and admits that, in fact and reality, the object was to get money, because it was seen that, while the revenues of India were in a sinking condition, Oude was in a prosperous and wealthy state, with an ample and flourishing Treasury; and that, forsooth, because it was in that prosperous and wealthy state, it became the duty of this country to seize upon it, and take possession of its revenues. I say I fear that this annexation will result in some fearful disaster to this country, and so far from the people of Oude regarding the measure as one likely to prove of great benefit to them, as has been stated, I beg to tell the House that the very reverse is the fact, for I have letters in my possession which state that, when the measure of annexation was proclaimed at Lucknow, no fewer than 10,000 persons actually put on mourning on the announcement of what they regarded as the greatest disaster that could befall them—namely, the annexation of their country to the British dominions; and the letters further state, that the poor people almost universally tore their hair and beat their breasts in despair when the sad intelligence reached them. I very much fear that the result of the measure will be tumult, disaffection, and bloodshed, not only amongst the people of Oude, but amongst the Sepoys as well, as many of them belong to that country, and I have received a letter, in which the writer, a most intelligent and respectable person, declares that the measure has been regarded in that country generally as one of the most unjust and impolitic acts ever perpetrated by this country in the course of its government in India, and petitions, very numerously signed, have been presented against it. There is another matter of great importance connected with the measure, to which I would wish to direct the attention of the House; it is this—the chiefs, or Zemindars, spend their lives principally in forts in the jungle, and when the Government collector makes his appearance amongst them, they retreat to their fastnesses, and set the Government functionary at defiance. Now, does it not strike the House that as Oude has been annexed, the Sepoys will be sent to act against these Zemindars, but is the House or the Government quite so sure that those Sepoys from Oude will be found ready to act against the people of Oude. I am, also, opposed to this measure, because it is well known it has been carried in direct and open violation of the (7th Article) of the Treaty of 1837; that article was to this effect, that in the event of the occurrence of any public tumult or disorder amongst the people of Oude, English officers should be sent there, and should remain there until order was established, and the Government handed back to the King, and that when the necessary expense of that measure had been paid, the surplus should be paid into the King's treasury. Now, I contend that by that provision of the treaty, this country was distinctly bound to interfere only to establish good government, and not to perpetrate the annexation; but I lament to say, it is unfortunately but too true, that in almost every instance in which this country has entered into a treaty with the Princes of the East, it has been violated in a manner the most flagrant and inexcusable; but I must add that this annexation of Oude is the most open and disgraceful violation of a treaty that has, perhaps, ever been heard of. In fact the whole history of the connection of the kingdom of Oude with this country presents a continuous occurrence of disasters and misfortunes to that kingdom, and it may be said that the only time since British domination in India began that the kingdom of Oude was happy and prosperous, was during the period of the Government of Lord Hastings, because at that particular time, the East India Company had desisted from interfering in any way with that kingdom. We have it also recorded on the authority of Mr. Burke, that the revenues of Oude had sensibly declined from the very commencement of its connection with this country, and I believe that very little doubt can be entertained of the fact that those revenues have been since on the decline, and that they are very likely to continue on the decline. I remember having stated, upon a former occasion in this House, that the Government of India had borrowed large sums of money at different times from the King of Oude, and that the money so borrowed had never been repaid. Well, the hon. Member for Honiton met that statement by positively denying that there was any truth in it. Now, let us just see how stand the facts. I have them now before me, and the whole of the figures, and they are as follows:—In the year 1814 the Company borrowed no less a sum than two millions sterling from the King of Oude, and they subsequently borrowed from him, from time to time, other large sums, making a total of £4,739,000, and out of that there had been repaid in cash only £1,780,000. A portion of the balance was said to have been repaid by the cession to the King of Oude of a barren strip of territory which had been taken from the Rajah of Nepaul; but, in fact, it was land of such a nature that it proved to be of not the least value, and a large portion of the loans was still owing. Now, let me ask, was that conduct worthy of a great country like this, and which boasted so much of its honour? Was it honourable or honest to borrow, or rather extort, money in hard cash and to repay it by a tract of unhealthy and worthless jungle? Nor is this all in connection with this loan, and this mode of paying off, for it appears that this tract of barren land has again been wrested from the King of Oude. And now, I should like to be informed whether there is any intention of restoring the value of that territory, such as it is, to the King's treasury? I have only one more statement in reference to this annexation to trespass on the attention of the House with, and it is this:—That I have recently received a letter from Lucknow, in which the writer states that when first this proposition of the annexation of Oude became mooted about, and the Rajah of Nepaul heard of it, he offered to come to the assistance of the King with a force of 50,000 men, and several other native Princes had made similar offers of assistance to enable the King of Oude to resist the Company. Such is the information which has reached me; but, perhaps, the right hon. Gentleman will inform the House whether it be the fact, because, if it be, undoubtedly it will have the effect of showing this country what our real position is in connection with those Eastern Princes. And, I think it somewhat worthy of remark, that this measure of annexation was carried into effect without the slightest regard having been paid to the feelings and wishes of the subjects of the King of Oude in reference to the measure, or without consulting them in any way directly or indirectly, though I should here remark that the Rajpoots and other subjects of the King of Oude are as fine a race of men as there is to be found on the face of the earth. I can only say that it appears to me that to dethrone a Sovereign who was a ruler over 5,000,000 of human beings, and annex his territory without first consulting the feelings and wishes of the people who were to be thus disposed of, is an act which involves a most serious and formidable responsibility. I do not now intend to stop in order to question or criticise the general policy of Lord Dalhousie's Indian government, but when we come to hear of the results of this system of annexation, the country will then have an opportunity of judging whether, as a matter of mere expediency only, it was a wise and well-considered course to have adopted, or the contrary; but, at the same time, I must again repeat that upon no ground of morality could such a system be justified or defended, and we have already had ample proof, from the results of the annexations that have taken place, that they have not in any way whatever proved of the least pecuniary benefit or advantage to this country. Sir, I contend that this principle of annexation is one which it would be totally impossible to apply to any nation of Europe, and neither could it be applied to countries in Asia, such as Persia. And I beg further to say, that there is not a single newspaper published, from Naples to Denmark, which has adverted to this annexation, which does not hold us up to the rest of Europe, and denounce us as a set of the most arrant hypocrites. In fact those transactions have brought the Government of this country into discredit and odium, not only with every other nation of Europe, but with the people of America; and I have read in a recent speech made by General Cass, in which he has declared that every civilised country in the world did not hesitate to denounce and condemn our policy in India, and designated it as a system which could not be justified either in honour or by international law. I therefore do most earnestly implore the House to pause and deliberate, and ponder well and maturely upon the course of policy to be adopted towards the native States in India, and to reflect well before they sanction either by their silence or approbation the continuance of the system of wholesale annexation which has been carried on hitherto under the administration and sway of Lord Dalhousie.

Sir JAMES W. HOGG said, the object of the Motion before the House was, to call the attention of hon. Members to the annually increasing debt of India. The hon. Member who had just resumed his seat made three observations pertinent to the subject. He first remarked upon the reduction of the cash balances in the Indian Treasury, which had gone down from £13,000,000 or £14,000,000 to £8,000,000, and he appeared to think that there must have been some misappropriation of the cash balances in the treasury. But why was it the fact that the cash balances had been so much reduced? It was because the Government of India had been ordered by the home authorities, as far as it would go, to apply this large cash balance towards the expenses of the public works; besides which, upwards of five crores of rupees had gone to the payment of the 5 per cent loan, when that extraordinary operation of Lord Dalhousie took effect of converting the whole 5 per cent debt of India into 4 per cent, whereby a saving of £500,000 sterling a year was effected, a fact which formed a pointed commentary upon the remark of the hon. and learned Gentleman who said, that however great in other respects Lord Dalhousie might have proved himself to be, his financial policy was an eminent failure. The next point adverted to by the hon. Gentleman was, the difference in the amount stated in that House to have been expended for public works, and what was stated by the Indian authorities. It was quite true that there was a difference, but it admitted of easy explanation. The Indian authorities, more especially Mr. Grant and Mr. Doring, when speaking of public works, took the word in its ordinary acceptation—not including those various items which fell within the legitimate meaning of the words as understood in that House—embracing works of a remunerative character. That would necessarily make a great difference in the estimate. The hon. Gentleman then said, that the East India Company had never been able to raise money under 5 per cent. The hon. Gentleman had ventured to make that statement, although only two years had elapsed since Lord Dalhousie was able to convert the whole 5 per cent debt of India into a 4 per cent loan. He would now address himself more particularly to the Motion before the House. He was one of those who anxiously hoped that the attention of Parliament might be frequently called to what were called Indian questions. There was so much misapprehension, both in and out of the House upon Indian subjects, that he was most anxious public attention should be called to them, but not in the manner in which his hon. and learned Friend had done it that night—not in that spirit of declamation, of indiscriminating reprobation and vague denunciation, in which he had commented on the civil, military, and financial affairs of India. If there were any specific acts which deserved reprobation, let the hon. and learned Gentleman move for papers; let the House have documents before it, that hon. Members might become conversant with the subject, and that those who had to answer the charges might have fair notice, and be enabled to come prepared to rebut the statements that were made against the Government of India. Could any one suppose that his hon. and learned Friend would have adopted such a course as he had done to-night, without having a single paper before the House? A desultory debate upon a financial question could only mislead the House; it was a subject which could only be considered properly upon authentic papers. He (Sir J. Hogg) would enable the House to judge why there was a surplus in some years and a deficit in other years, and he would enable the House to see whether the deficit arose from a deficiency of revenue or an increase of expenditure. During the last six years there had been a surplus in the first four years, and a deficiency only in the last two years. As he could not compare three years with three years, there being only two years of deficit, he would give the average receipts on each item of revenue, and the average amount of expenditure during the three years of surplus revenue, and then he would give the same items during the two years of deficit. During the three years 1851, 1852, and 1853, the average land revenue was £15,506,045; and during the two years 1853–4 and 1854–5 the average land revenue was £15,248,706, showing an average decrease of £257,339. The next item was the Customs receipts. The average during the three years of surplus was £822,093; and during the last two years of deficit the average receipt was £844,741, showing under the head of Customs an increase of £22,648. Then came the item of the salt revenue. The average receipt from the salt revenue during the three years of surplus was £1,381,713, and the average during the last two years of deficit was £1,424,873, showing an increase in the revenue of salt of £43,160. The next item was opium. The average receipt on opium for the first three years of increase was £3,199,400, and the average receipt for the last two years of deficit was £3,152,552, showing a decrease of £46,848. He had now gone through the receipts of revenue, showing that there had been a decrease of revenue under some heads and an increase under others. He would proceed to combine the results. The decrease of revenue on land and opium amounted to £304,187, and the increase on Customs and salt was £65,808, thus making a net decrease of revenue during the last two years, as compared with the three preceding years, of £238,379. He then came to the charges during the same two periods. The charges for the first three years amounted to £685,092, and during the last two years to £914,979, showing an increase of £229,887. The marine and naval charges during those two periods were £347,985 and £391,826 respectively, showing an increase of £43,841; ordinary military charges, £10,151,235 and £10,883,602, or an increase of £732,367; extraordinary military charges, £386,112 and £858,295, or an increase of £472,183; interest, £1,956,993 and £1,934,270, or a decrease of £22,723. Combining these statements, it appeared that the average increase on civil, marine, naval, and military charges was £1,470,000, from which must be deducted £22,500 paid in interest, leaving an increase of £1,447,500. Then came the charges for public works strictly speaking, excluding repairs, roads, and military charges. The average expenditure upon public works during the last three years was £421,561, and during the last two years £1,244,687, or an increase of £823,126. To summarize this statement there was a deficit of revenue to the amount of £2,510,000. The first question was, how did that deficiency arise? How much of it arose from deficient income, and how much from increased charges? The next and the most important question was, how many of the causes of that deficiency were permanent, and how many were temporary? There was a considerable deficiency in the land tax; but was the cause of that deficiency one which would increase or continue? No such thing. The decrease in Bengal was small, but in Madras it was large, and it had arisen from two years of unequalled drought. The next head of decrease was opium. But the disturbances which had been going on for some years in China had caused that decrease, and he hoped that those disturbances would not be permanent. In his estimate he had carefully excluded all items relating to Pegu and Nagpore, which, if they had been included, would have added greatly to the revenue. Whenever territory was annexed the immediate expenses of settlement were very great, while revenue could not be received for two or three years. The decrease of

£22,000 in the item of interest was caused by Lord Dalhousie's extraordinary financial operation not having yet come into effect. Next year the saving in that item, in consequence of the operation, would be £500,000, less the interest of the recent loan of £2,700,000. The military charges were much greater than the civil charges. If any reduction were to be made, it ought therefore to be made in the military charges, and he believed Lord Dalhousie was of opinion that a considerable reduction might be made in them when the country was quite peaceful. With regard to the increase in the civil expenditure, it had not, as Lord Dalhousie said, been incurred negligently, but deliberately, and upon solid grounds of sound policy; and that noble Lord was of opinion that no more than a small diminution could be made in the civil charges. The civil expenditure, it must be remembered, did not refer exclusively to the civil service of India. The Punjab, and almost all our new acquisitions, had been administered with great ability by young military men upon small salaries, in addition to their regular allowances, and every extension of territory had caused increase in the number of civil, military, and, above all, of native public servants. Among the items to which he had referred, he would call the attention of the House to one that had not been adverted to by the hon. and learned Gentleman (Sir E. Perry), namely, the sum spent on military barracks. The accommodation for European troops was certainly very inadequate, and the construction of new barracks was absolutely necessary. He had not the figures with him, and he did not like to state them from memory; but the amount expended in the construction of barracks and sanitary stations upon the hills for European troops came to an enormous amount. A despatch was lately sent out recommending a very extensive scheme of education, and that necessarily involved a very considerable expenditure. He need scarcely say, that when war was raging it was necessary to increase the number of troops, and that a great additional expenditure was incurred in providing the means of transport, in increased pay, allowances, and batta. The hon. and learned Gentleman had stated that capitalists were willing to send their money to India, and that it was the East India Company that had prevented them. But it was a peculiarity in English capitalists, that they were reluctant to let their money go out of their sight, and that they did not like it to go to a country with which they were not acquainted. It was predicted so long ago as the years 1833 and 1834, that English capital would rush to India; but it had not gone to India as was expected, for up to this momont English capital had but partially gone to India. Then the hon. and learned Gentleman said, "Don't waste any more money upon works that do not pay." But what was his illustration? A railway that only paid 1 per cent. But whoever thought that a bit of railway would pay? A railway commencing at Bombay, and having its other terminus in a jungle, was not likely to pay; and it was not until it had been constructed between two termini, or until some important place had been reached, that the railway adverted to by the hon. and learned Gentleman would pay. The hon. and learned Gentleman had accused the East India Company of not fostering railway enterprise. The fact, however, was quite the contrary; the East India Company believed that railways would do more for the regeneration of India than anything that had ever been planned or done. They had therefore authorised the railway companies to raise funds, guaranteeing them 5 per cent, instead of waiting two or three years, when the money might, perhaps, be raised on a guarantee of 4 per cent. The East India Company believed that it would be ill-judged to wait, and that they would not show due consideration to the people of India, if they practised such parsimony. But they had first tried to get the money at 4½ and 4¾ per cent. Whenever railways were made in India, there would be a prospect of reduction in the military expenditure. A railway, for example, from Calcutta to the Punjab would be equivalent to 50,000 men. A speedy communication by means of the electric telegraph would also be of great service. Thanks to the vigour of Lord Dalhousie, and the intelligence of Dr. O'Shaughnessy—whose name he could never mention without praise—in eight months 3,500 miles of telegraph had been constructed. When the telegraphic system was complete, and the different military stations connected by railway, then, and not till then, could any very great reduction take place in our military expenditure. The hon. and learned Gentleman next went to "annexation" and "adoption." He should have been glad if the hon. and learned Gentleman had taken one case of annexation, had moved for papers, and had taken the opinion of the House upon the justice, expediency, and propriety of that annexation. The hon. and learned Gentleman had got the returns specifying every case of annexation; but in place of taking any one specific case, he read from books and pamphlets a parcel of abstract opinions of illustrious men—most of which, by the way, were truisms—but he did not apply them to any particular case, or show that any act of annexation was opposed to the opinions he had quoted. The hon. and learned Gentleman had read a quotation from one of Lord Dalhousie's depatches, expressive of the noble Marquess's strong and deliberate opinion that the British Government ought to lose no opportunity of acquiring territory in India; but the hon. and learned Gentleman did not read the portion in which the noble Marquess added, that the Government were bound to act, both in cases of annexation and adoption, only upon the clearest necessity, with the purest integrity, and the most scrupulous observance of good faith. The noble Marquess had also laid it down that no "adoption" should be permitted unless plainly justified by political reasons. The hon. and learned Gentleman spoke of the absolute rights of Hindoos to adopt. He (Sir James Hogg) admitted that by the religion and law of the Hindoos they had a right to adopt in private; but where a paramount Power had created a subordinate State, which was the case in almost every one of the States mentioned in the return—where the creation was given to a man and his heirs male, it was not competent for the feudatory to adopt without the consent of the paramount Power; and that was and always had been the usage of India. It therefore became a question of policy, combined with various considerations, whether it was or was not fit to reconstitute a native State, after that native State had, by failure of natural heirs, ceased to exist. No one could venture to lay down a general rule for this case. In some cases it might be fit and expedient, and in some cases the adoption was permitted. In others it was unfit and inexpedient, the adoption was refused, and the territory lapsed. He only knew one general class of States, and that was the class to which his hon. and learned Friend referred, the Rajpootana States, which allowed adoption. Gentlemen talked of these Indian States passing from generation to generation from time immemorial; but, with the exception of Rajpootana, they were all of modern date. Their antiquity was purely ideal, and did not exist except in the imagination of hon. Gentlemen. The hon. Member for Bridport (Mr. Murrough) adverted to Nagpore. In that case there was not a single descendant of the founder of the dynasty to be found. Did the hon. Gentleman know that the State of Nagpore had been twice before constituted by the Indian Government? Twice was it forfeited by treachery and perfidy of the basest character, and, after that treachery and perfidy, ought the Government of India to have reconstituted that State a third time? Did the House know what would be the consequence? In these native States the whole revenue went to the native Prince, and, being the paramount Power, the British Government was bound to afford the means of repelling external aggression, and maintaining internal peace. It was very true, as Lord Metcalfe said, that we had to defend and administer the whole of India, receiving the revenue of only a small portion of it. The inevitable consequence was, that the Government was obliged to extort from that small portion sufficient revenue to govern the whole country; whereas, if the whole country contributed fairly, they would have the means of reducing, and perhaps remitting, taxation, with most beneficial results. It therefore behoved the Indian Government to be careful how they multiplied feudatory States according to the *dictum* of the hon. Member. The hon. Gentleman had never adverted to the state of the people of those countries. Surely no one would contend that the people were more happy under the Hindoo or Mahomedan dynasties than under British rule, whatever might be its faults and errors. [Mr. MURROUGH: Yes.] Then there was one Gentleman prepared to affirm that proposition. He could not have believed that there lived any British subject who would contend that the Natives were happier under Hindoo or Mahomedan than under British rule. [Mr. MURROUGH: Yes.] The hon. Member had better push the proposition to its legitimate conclusion, and advocate the entire withdrawal of the British from India. He was called on suddenly to meet all these cases with such little knowledge as he happened to possess. He had not the slightest intimation with regard to any of these cases, and he had to reply as best he could. Where he was not informed sufficiently, he should hold his tongue, rather than run the risk, by speaking from imperfect recollection, of stating something not borne out by the papers. But if he did not think these cases would be gone into, still less did he think that the case of Oude would have been introduced. The papers on that subject would be placed on the table, and he hoped they would have a separate discussion upon it. He was satisfied that discussion would reflect honour upon the British authority in India, and upon Lord Dalhousie and his administration. The only difficulty would be to defend the Government against the charge for not having sooner interfered. The reports of Colonel Sleeman and Colonel Outram bore testimony to scenes of anarchy, extortion, corruption, and bloodshed in Oude, such, perhaps, as had never before astounded and disgusted the House. But although they bore this testimony, no two men more strenuously upheld the native rights and powers than Colonel Sleeman and Colonel Outram; and these officers represented to the Government the imperative necessity of putting an end to the existing state of things in Oude, and pointed out that the only effectual mode of doing so was to take the province under British rule. By the treaty the King had the power of appointing his own servants and using his own instruments; but it was quite well known that while making solemn promises to carry out our suggestions, he gave private orders to his dependants to have them thwarted. There was one authority on the side of the hon. Gentleman in regard to annexation. Sir J. Malcolm said, "Keep native States; if a lapse occurs, don't take advantage of it." And his reason for giving that advice was, that such States afforded an outlet for all the turbulent spirits of India, and acted as a kind of safety-valve; while, moreover, they would, perhaps, exhibit native in an unfavourable contrast with English rule. It was not on the ground of right, then, so much as on that of expediency, that Sir J. Malcolm disapproved of annexation. The hon. and learned Gentleman had warmly eulogised General Lowe when it suited his argument; but he should recollect that that gallant officer advocated the annexation of Oude, and he was no wild supporter of mere abstract utilitarian schemes. General Lowe laid down the rule that where justice and expediency required that native States should remain, they should remain; and, on the other hand, that where justice and expediency required that they should be annexed, annexation should take place. The hon. and learned Gentleman had also panegyrised Sir Thomas Munro as one of the greatest administrators India ever possessed. Yet Sir Thomas Munro was practically the author of that very ryotwarry system which the hon. Member pronounced the curse of India. The hon. Gentleman, indeed, said that both Sir Thomas Munro and Lord Cornwallis had been misled, and as the first held peculiar doctrines, it would be found that they were held only by himself, and that they would die out. If such were the fact, would it not afford some slight ground for the suspicion that it was just possible the hon. Gentleman himself, eminent as he was, might be in error, and his predictions doomed to be falsified? The hon. Member said, the land system of Bengal was even worse than the ryotwarry. What, then, would he have? He (Sir James Hogg) believed, not that Madras was overtaxed, but that it was badly assessed; but Lord Harris was about to have the whole of that Presidency accurately surveyed, when, no doubt, the tenure would be improved, and reductions made in the assessment where such were really necessary, so that the rate of taxation should be equalised. The measure would probably, also, lead to the reclamation of waste land, of which he was surprised to learn that there were vast tracts in Madras. In conclusion, he must express his deep regret that when that great man, the Marquess of Dalhousie, borne down by the arduous duties of his high office, was about to return to his native land amid every demonstration of gratitude and respect on the part of the people of India, the hon. and learned Member should have chosen so inopportune a moment for assailing his policy. When that distinguished nobleman arrived in England, not broken in spirit, though, alas! shattered in health, it was to be hoped that he would not be greeted with many such salutations as that of the hon. and learned Member for Devonport, but that by the House and the country his administration would be regarded as honourable alike to its author and his Sovereign, and as tending both to the advantage of this country and to the prosperity of India, whose resources he had so marvellously developed.

Mr. J. G. PHILLIMORE said, he

thought the arguments of the hon. Baronet, who had displayed most consummate skill in his treatment of this question, were completely fallacious, and were calculated to mislead the House; and therefore, differing as he did from the right hon. Gentleman the President of the Board of Control, he thought it his duty to rise to put the House right upon the question before it. The hon. Baronet, in the first instance, entered into long financial details, and he afterwards endeavoured, with consummate skill, to divert the House from the discharge of its duty by dwelling upon the state of Lord Dalhousie's health, as a reason for abstaining from any further discussion on this subject. But such considerations ought not to prevent the House from doing justice to the people of India. At any rate he (Mr. Phillimore) would not be deterred from saying that it was, in his opinion, a happy thing for India, in consideration of its real interests, that Lord Dalhousie should have returned from India, for he considered that Lord Dalhousie, who was undoubtedly a man of great ability, was no real friend to India, for he had involved this country in most unjust and expensive wars, and had adopted a policy of annexation which had been condemned by many of the best and wisest men in the Indian civil service. The petulant and upstart insolence displayed by Lord Dalhousie in his conduct towards that great man Sir Charles Napier, so shamefully neglected after the splendid services he had rendered to this ungrateful country, was a lasting stain upon his character. The hon. Baronet had complained of the wild utilitarian schemes which were put forth with reference to India; but he (Mr. Phillimore) had always thought that utilitarian schemes were the reverse of wild. He supposed the hon. Baronet regarded the annexation of one territory after another, in defiance of the plainest rules of right, as a non-utilitarian policy. No doubt the hon. Baronet, like Lord Dalhousie, would use the utilitarian pretence that the annexation of Oude was for the benefit of India. The hon. Baronet had asked what was the object which his hon. and learned Friend the Member for Devonport had in view? He (Mr. Phillimore) understood his hon. Friend to contend that the basis of the Indian Empire was too narrow, and that continual additions ought not to be made to the superstructure—that it was dangerous to make successive annexations to that empire, and thus to excite discontent and dissatisfaction in every independent State. Then, as to the assertion that the annexation of Oude was greatly desired—he would point to the letter of the Rajah of Nepaul, who offered to assist the King with his troops—those very Ghoorkas on whom Sir Charles Napier so much relied; and to another Rajah, who offered to send 50,000 men, sworn on the water of the Ganges, to die sword in hand rather than permit the annexation of Oude to the British territory. The hon. Baronet had expressed indignation, because it had been asserted that high-spirited and intelligent men were not in a worse position under Hindoo or Mahomedan rule than they were under British domination; but unquestionably that was the fact, because under the British Government they could not expect to attain any high position. Is there any one of us who would submit to such a state of things for an hour? does not such flagrant injustice make resistance a question of prudence only? General Lowe had expressed his opinion that no country governed as India was, by foreigners, could be in a really prosperous or even safe condition; and referring to the annexation of Nagpore, the same eminent public servant said he did not think such a measure would be safe unless there was among the native subjects a much more general attachment to the ruling power than then existed among the inhabitants of British India. That officer also referred, in terms of disapproval, to the system which was pursued in India of conferring all important civil offices, and all high military commands, upon foreigners. He (Mr. Phillimore) thought these opinions showed that the advantages of British rule in India might be somewhat problematical. He certainly could not regard the annexation of Oude in the light in which it was viewed by the hon. Baronet, and he wished to know whether the President of the Board of Control was prepared to announce it as a principle of Indian policy, that any Indian State which was misgoverned was immediately to be annexed to the British dominions. When did the strong ever want a pretext for invading the weak? It was always the practice when a powerful State wished to encroach upon a weaker State to find some plausible pretext; and what pretext was more plausible than that of misgovernment? Look at the proclamation of Catherine II., in the case of Poland. The tranquillity of Europe was the declared and of course the sole object of that execrable rule. Were we prepared to say that we had one law for the West and another for the East—that what we sought to prevent Russia doing in Turkey we were ready to do in India—that we were desirous of imitating in Oude that invasion of Spain by France which we engaged in war to repel? It was the duty of every Member of that House, however humble, to lift up his voice against a policy which was founded upon the most flagrant disregard of justice, and which might inflict upon us an amount of misery of which the youngest man in England might not live to see the termination.

HEREDITARY PENSIONS.

SIR FRANCIS BARING said, he believed this was a proper time, on going into Committee of Supply, to ask the Secretary to the Treasury a question with regard to an account which had been laid on the table, and which related to the public balances. He alluded to a sum of £213,000 for hereditary pensions redeemed during the past year. He wished to know on what authority, and from what funds, the money was paid?

MR. WILSON replied, that the sum referred to by the right hon. Baronet was an advance of the purchase of two pensions, one held by the Duke of Grafton, chargeable upon the Excise, amounting to £7,191 12*s*., for which the sum of £193,777 was paid; the other, the remains of the Schomberg pension, amounting to £720 a year, which was redeemed for the sum of £19,400. In 1825 a Treasury Minute was passed, setting forth the propriety of purchasing all hereditary pensions; and in pursuance of that Minute a pension belonging to Lord Melbourne, chargeable upon the Excise, and paid out of the revenues of that department on their way to the Exchequer, was purchased in 1826. In 1853 the then Chancellor of the Exchequer explained to the House, when a Bill for removing certain charges from the Consolidated Fund to the annual Estimates was under consideration, that he did not propose so to remove the charges for hereditary pensions, because it had lately been determined that they should be redeemed, and, in point of fact, that they were in process of being purchased at that time. In the same year two pensions belonging to Lord Cowper—one chargeable upon the Excise, and the other upon the Post Office—were purchased and paid for, as in all former cases, out of the gross revenues of the departments upon which they were charged. At that time the net revenues of departments were alone returned to, and recognised by Parliament. A further purchase was made in the following year, and the two pensions to which he referred at the beginning of his statement were redeemed in the year ending March last. Those pensions were paid for, according to precedent, out of the gross revenues of the departments upon which they were charged; but it was thought, seeing that Parliament now dealt with gross revenues, that it would be better to give the gross incomes of the departments, and charge the purchase-money of the pensions as a separate item in the accounts. The only difference, therefore, was, that whereas in former cases Parliament had no cognisance of the redemption of pensions, the net revenues alone being returned, in the present instance the gross revenues of the departments were laid before the House, and the purchase-money debited in the accounts. The transaction was strictly in keeping with all the precedents, and the House would agree with him that it was extremely desirable to get rid of hereditary pensions, by redeeming them whenever opportunities occurred for doing so on favourable terms.

MR. W. WILLIAMS thought that the Treasury was not entitled, without any authority from Parliament, to redeem hereditary pensions. Such a course was most objectionable, and deficient in respect to the House.

THE CHANCELLOR OF THE EXCHEQUER remarked, that the course which the Treasury had pursued in the present instance was in accordance with that adopted in former times.

MR. DISRAELI said, he should like to know what the reasons were which rendered it so expedient for the public good that these hereditary pensions should be purchased at the present moment. He had always doubted the expediency of purchasing hereditary pensions in the manner described by the Secretary to the Treasury. He could understand that it was for the advantage of those who held hereditary pensions; but as long as such pensions existed there was a chance of the possessors relinquishing them for the benefit of the country, and there were instances upon record of persons becoming so rich that they were ashamed of continuing to take hereditary pensions, and of others inspired with so much patriotism that they resigned those advantages. But it appeared to him, that to act upon the principle that it was expedient to remove all the odium attaching to such charges, and to confer upon those who enjoyed them their full value, would be a course which, whatever its advantages might be to the holders of hereditary pensions, could by no means be regarded as a benefit to the country.

WELLINGTON MONUMENT—QUESTION.

VISCOUNT CHELSEA rose to inquire of the Chief Commissioner of Works, whether any steps had been taken with a view to the erection of a public monument to the memory of the late Duke of Wellington in St. Paul's Cathedral; and, if not, what were the intentions of the Government on the subject? He trusted that the Chief Commissioner of Works was prepared on the part of the Government, either to ask the House to grant the necessary means, or, if they already existed, to place them at his disposal, for the purpose of enabling him to fulfil a duty which had been too long neglected. While he admitted that the stirring events of the last few years—the great sacrifices and exertions which the country had been called upon to make —might account to a certain degree for the fact that no steps had yet been taken to testify the reverence in which England held the memory of one of her most illustrious sons, yet he thought that nothing could justify the wilful and persevering neglect of an obligation so eminently incumbent upon us. He should be sorry to believe that the national grief for what all admitted to be a national calamity would not prove as deep-seated and permanent as it was sincere and universal; but both *in foro conscientiæ* and at the bar of public opinion throughout Europe we should be justly chargeable with one of the most heinous imputations that could rest upon a nation—that of fickleness and ingratitude —if all the grief we could feel for departed greatness was evidenced in the gorgeous and transient ceremony of one short day and in the wail that rose from the hearts of thousands as they greeted those venerable remains when borne to their last home. He had been given to understand that there remained yet available a very large balance of the sum voted to defray the expenses of the late Duke of Wellington's funeral, and he would suggest that no better or more fitting employment could be discovered for that money than the completion of a monument in the Cathedral of St. Paul, which should at once be a credit to the taste and munificence of the nation, an ornament to the stately edifice in which it might be placed, and a tribute worthy of the great captain whose brilliant career it might serve to commemorate.

SIR BENJAMIN HALL said, that in November, 1854, his predecessor, Sir William Molesworth, acting under the advice of the President of the Royal Academy, invited four gentlemen to send in designs for a monument to be erected in St. Paul's Cathedral. These gentlemen were Baron Marochetti, Mr. Gibson, Mr. Baily, and Mr. Foley. Baron Marochetti and Mr. Gibson declined to compete. Mr. Baily and Mr. Foley sent in designs which were not of a character of which Sir William Molesworth could approve. Immediately after he (Sir B. Hall) came into the office which he had now the honour to hold he asked these gentlemen to allow him to see the models which they had sent in; and, having seen them, he entirely concurred in the decision at which Sir William Mollesworth had arrived. That was in the month of August last; and from that time to the present no further steps had been taken in the matter, for the simple reason that no money had been voted by Parliament for the purpose. In 1852, when the right hon. Gentleman the Member for Buckinghamshire was Chancellor of the Exchequer, £86,000 was voted to defray the expense of the funeral of the Duke of Wellington. He (Sir B. Hall) was happy to be able to inform the House that £24,866 remained in hand after defraying all the expenses of the funeral, with the exception of, perhaps, £400 or £500 for the tomb in the crypt of St. Paul's Cathedral. He was instructed by his right hon. Friend the Chancellor of the Exchequer to say that he would move that that sum should be expended in erecting a monument to the memory of the Duke of Wellington. It was his (Sir B. Hall's) intention, if the conduct of this business should be placed under his control, to call in the aid, not only of four, but of several artists of the greatest eminence in this country, in order that we might see whether the genius of England could not have something worthy of the memory of that great man whom we all desired to honour.

Colonel BOLDERO said, he hoped that the money voted for the purpose would not, without the direct sanction of that House, be applied to another. When Mr. Foley and Mr. Baily competed for the design, the sum they were to receive for the monument was only £5,000, and not £25,000, as would now be offered; and when Sir W. Molesworth declined to receive their designs, they asked to be allowed to compete again, but were refused, and the sum of £150 each was offered them for the trouble and expense they had been put to. This they declined to receive at first, but finding they would not be allowed to produce other designs, they accepted it under protest. He had been informed that Baron Marochetti, who had refused to compete before, was to be the person selected to design the monument, but he was glad to find that the right hon. Baronet intended to throw it open to general competition, as that would be satisfactory to Messrs. Foley and Baily, who would be able to compete again, and who were artists of the highest ability and of European fame.

Motion *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee.

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding £39,054, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1857."

Mr. PELLATT protested against such a Vote altogether, as being justified by no principle, seeing that the recipients were not connected with the Established Church, nor did they perform services to the State which called for such recognition. The most that could be said in favour of it was, that it had been granted for many years. There were no less than eleven sects in Ireland which received no grant from the Government. He (Mr. Pellatt) believed that Dissenters, who received no money from the State, would repudiate the offer if it was made to them. Why, if they considered the state of the Free Church in Scotland—which afforded a noble spectacle to the world—they would find that their voluntary contributions, their free-will offerings, were all upon which they placed their full dependence. The congregations of the Free Church in Scotland were able to raise more than £100 a year for their ministers on the voluntary principle, whilst in Ireland, where there was a State payment of £35 a year to each minister, there was the greatest difficulty in raising their incomes any higher by voluntary contributions. So that the more the State pay seemed to encourage the more in reality it discouraged voluntary contributions. Whether they looked at their colleges, their various educational institutions, or their congregations, they would find that a vast amount of mischief arose from State payments. He asked the House, therefore, to assist him in sweeping off from the Estimates this objectionable grant. He wished he could see the right hon. Baronet the Member for Carlisle (Sir J. Graham) and the right hon. Gentleman the Chancellor of the Exchequer in their places—he would have called upon them to support his proposition on the same principles as those upon which they had addressed the House some evenings since. It was, in fact, an avowed political payment, and he called upon the Irish Roman Catholic Members in that House to join him in resisting this Vote to Presbyterians.

Mr. KIRK supported the Vote, which had been granted in lieu of tithes of which these clergymen had been unjustly deprived. The whole sum granted was only one-seventh of the whole amount of which the Presbyterian clergy of Ulster had been so deprived. That sum was about £9,000 a year, while the grant was only £1,200. To the credit of every Government, this grant had been continued from the time it was first given to the present without the slightest objection. He must defend the Presbyterian Church of Ireland from the imputation that the grant had been made to them for the purchase of loyalty; and he must equally deny that the Presbyterian congregations of Ulster were rich—were other, in fact, than what was called tenant farmers there, but who would be called cottiers in Scotland or England. If the grant were withdrawn, religious worship would inevitably cease in some districts, because the congregations would be too poor to support a clergyman from their own resources. He altogether denied that they had been niggardly in supporting their church in proportion to their means. He knew that the wealthier class of Presbyterians had subscribed a sum of £25,000 to build manses and improve livings, to the full extent of their means.

The success of the scheme of the hon. Gentleman would be a failure in Ireland if the results were to be judged by what had taken place in England, where 274 chapels were vacant for want of funds to pay the clergymen, while there were no fewer than 290 ministers in England without charges. In Wales there were seventy-five chapels vacant. If that was the case in this wealthy country, what might be expected to pass in such a poor country as Ireland? Still many of the poorer parishes in Ireland contributed even beyond their means.

Mr. J. D. FITZGERALD condemned the inconsistency of the House in withholding the grant to Maynooth, and sanctioning one to the Presbyterians in Ireland out of the Consolidated Fund.

Mr. BLACK also considered the House would be open to the charge of partiality in making this grant and withdrawing the other. It would be looked upon as the House taking upon itself to decide what sect should be predominant. He should support the Amendment.

Mr. HADFIELD also supported the Amendment. He considered these grants as part of a rotten system that ought to be put an end to.

Motion made, and Question put—

"That a sum, not exceeding £1,414 5*s.* 4*d.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 60; Noes 230: Majority 170.

Original Question again proposed.

Mr. HADFIELD said, that, although defeated, he was not dismayed, for he felt that his cause was a good one, and that he must ultimately succeed. He should, therefore, move to reduce the Vote by £3,097 12*s.* 6½*d.* for forty-two ministers who had an income of £100 a year or upwards. In his opinion, it was a piece of bold effrontery to come before the House and ask for any such grant of public money. What was the sort of cases to which the money was applied? There were forty-two of them on the paper, but he would mention only two. The first was that of the Rev. Dr. Morgan. He received £350 a year from his congregation, and in addition £92 6*s.* 2*d.* out of the public taxes in the shape of *Regium donum.* His congregation was an opulent one, and in twenty-two years had raised not less than £32,000 for benevolent purposes; yet they were not ashamed to allow their minister to come here and ask for £92 from the taxes. Let the House withhold the grant, and what would be the result? Why, that the congregation would restore the amount next week. The fact was, that it was a gift, not to Dr. Morgan, but to his people. The other case was that of the Rev. Dr. Montgomery. That gentleman received from his congregation £129 9*s.* 1½*d.* The sum of £150 was voted to him as one of two professors to teach three pupils: that was to say, he was paid £150 a year for the care of one pupil and a half. He also received £230 a year for distributing the grant from Parliament among thirty-eight Presbyterian ministers in Ireland, which was about £6 a head for every sum he doled out to them. And after all that, the House was called upon to vote £96 6*s.* 2½*d.* as *Regium donum,* or Royal bounty, to this gentleman. He proposed, therefore, to reduce the Vote by £3,097 12*s.* 6½*d.*

Motion made, and Question put—

"That a sum, not exceeding £35,956 7*s.* 5½*d.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 39; Noes 214: Majority 175.

Original Question again proposed.

Mr. KERSHAW then moved, that the sum of £500 for agents' salaries and allowances should be struck out from the Vote. He objected to this Vote on principle, and should use every means of opposing or reducing it. He had objected on a former occasion to the grant of £1,695 to the English nonconforming clergy. Lord J. Russell, when Prime Minister, to his honour, had withdrawn it, and the result was received with acclamation by the English nonconformists themselves. He believed that numbers of the Irish Presbyterians themselves were equally anxious for the withdrawal of the Vote before the House. Dr. Cooke got £320 for distributing this grant, while a banker would do the same for £6. Dr. Harvey distributed £2,900, which a banker would distribute for £75, but the rev. gentleman charged £230 for the distribution. He thought that these facts were conclusive as to the necessity for altering the system of distributing the grant. The hon. Member, in conclusion, proposed to reduce the Vote by the sum of £500.

Mr. CAIRNS said, the hon. Member

(Mr. Pellatt) had drawn a parallel between the Free Church of Scotland and the Presbyterians of Ireland, which was not very accurate. The members of the Free Church of Scotland were Presbyterians who had not the least love of the voluntary principle, and were anything but voluntaries. They would be glad to have their endowments again, if they could have them on their own terms. The Presbyterians had their endowments upon their own terms, and the circumstances of the two bodies were therefore very different. The distribution of the bounty was a pure question of business. The hon. Member said, a banker might be got to distribute the grant for much less. But this was not a business that a banker could or would do. The gentlemen who distributed it had not only to give the money, but to keep an account of pew-rents, to see that the congregation reached a certain amount, and that the rules for receiving the *Regium donum* were complied with, and they had to keep up a certain supervision and superintendence of ministers and congregations. Then the congregations were scattered over many districts of Ireland, and the clergymen distributing the fund had to bring the money into the hands of those who received it without charge. It was for these complicated services that the remuneration was given. It ought to be mentioned that Dr. Cooke received no *Regium donum* himself, although he might, if he chose to claim it, receive the allowance of a minister of the first class. He, therefore, in fact, performed the business of an agent upon terms that no banker could be got to distribute the fund. The remuneration paid to Dr. Cooke and Dr. Montgomery had been fixed upon a careful consideration of the duties they had to perform, and if there were to be a reconsideration of the question, let it be reconsidered in a proper way and upon a fitting occasion.

Mr. HADFIELD said that, so far as he could learn, Dr. Cooke was precluded by the rules of the Presbytery from taking the *Regium donum:* but though he did not get it, his chapel did, under pretence of paying off a debt that no longer existed: so that the House of Commons, by these allowances, had been paying the debt upon Dr. Cooke's chapel. The Presbyterians of Ireland ought to be ashamed of accepting the grant, when the Presbyterians elsewhere were so nobly exerting themselves in favour of the voluntary principle. The efforts of the members of the Free Church of Scotland had astounded Christendom, for they had raised by voluntary contributions no less a sum than £3,000,000. They did not ask for assistance out of the public funds, and he hoped that, following their example, the Committee soon would hear no more of the *Regium donum.*

Motion made, and Question put—

"That a sum, not exceeding £38,554, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 40; Noes 198: Majority 158.

Original Question again proposed.

Mr. CROSSLEY then moved that the Chairman report progress.

The CHANCELLOR of the EXCHEQUER hoped, as the House had been occupied till a late hour in the evening with a discussion on Indian affairs, and only one Vote had yet been proposed, that the hon. Gentleman would not persevere in this Motion.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 16; Noes 211: Majority 195.

Original Question again proposed.

Mr. BARNES moved, that the allowance for New Congregations, five ministers at £69 4*s.* 8*d.* (total £346 3*s.* 4*d.*), be struck out of the Vote. The present was different from the last Vote on which the Committee divided, because the sum which he now moved to be struck out was for new congregations, so that the argument of an existing contract did not apply. The Presbyterians of Ireland were the only body of Dissenters who claimed aid of this kind. He thought it most unjust to the poor handloom weavers of Bolton and other places, that their money should be spent for the establishment of new congregations in the North of Ireland. He protested against the Vote as unjust and unchristian.

Mr. KIRK said, that the increase was only £101, and not £346.

Mr. HADFIELD hoped the Committee would have the advantage of hearing an expression of opinion from some right hon. Gentleman on the Treasury Bench upon this subject.

Mr. LABOUCHERE said, the question was one which had been so frequently discussed, and the arguments they had heard to-night in favour of the voluntary principle as opposed to the principle of endowment were so hackneyed and familiar to the House, that he thought the Members of the Government had exercised a wise discretion in abstaining from taking any part in the discussion.

Mr. BARNES said, he would not give the Committee the trouble of dividing.

Motion made—

> "That a sum, not exceeding £38,707 16*s.* 8*d.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1857."

Question put, and *negatived.*

Original Question put, and *agreed to;* as was also—

(2.) £6,062, Charitable Allowances (Ireland).

The House resumed.

SECRETARIES OF STATE.

Mr. MURROUGH moved—

> "An Address for return of the Letters Patent now existing and unrevoked (April 14, 1856), which have been issued to persons who have held, and who are now holding, the office of Principal Secretary of State."

The CHANCELLOR of the EXCHEQUER said, the hon. Member had not stated his reasons for moving for this return. Perhaps he would do so now.

Mr. MURROUGH said, his object was twofold—first, to secure that the public documents of the country should be properly kept; and, secondly, to ascertain the names of those Secretaries of State who had neglected to take out Letters Patent. The duty upon patents for the great offices of State was £200. All the Members of Lord Derby's Government took out their patents and paid the duty. The noble Lord the Member for the City of London was the first person who evaded the payment of the £200, and his example had been followed by several Members of the present Government. Now, when persons in a humble condition of life were taxed to make up the deficiencies of the revenue, it was, to say the least, rather shabby that Gentlemen holding the high offices of Secretaries of State should set the example of evading duties imposed by Parliament. He wished to see the names of those who had been guilty of such conduct. At the present moment, according to the documents in the Record Office, Lord Malmesbury was the only person legally authorised to act as Her Majesty's Secretary of State for Foreign Affairs. Such a state of things should not be allowed to continue, and it was with a view to stop it that he had ventured to submit his Motion to the House.

The CHANCELLOR of the EXCHEQUER said, that the Motion of the hon. Gentleman extended beyond the objects he had stated. One of those objects was to ascertain the names of the Secretaries of State who had not taken out their patents, but the Motion called for the production of the patent of every person who had formerly served the Crown in the capacity of a Secretary of State.

Mr. MURROUGH explained, that what he wanted was the names of those who had last taken out their patents, in order to discover who had evaded the duty.

The CHANCELLOR of the EXCHEQUER was still of opinion that the names of persons who had taken out their patents would not enable the hon. Gentleman to ascertain the names of those who had not done so. But he would offer no further opposition to the Motion.

Mr. HENLEY did not know whether the statements of the hon. Member were correct or not, but the point raised was worthy of investigation, although he did not think that the hon. Gentleman would obtain his object by the Motion as it stood at present.

> Address for "Return of the Letters Patent now existing and unrevoked (April 14th, 1856), which have been issued to persons who have held or who are now holding the office of Principal Secretary of State."

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 21, 1856.

Minutes.] Public Bills.—3^a Public Works; Public Works (Ireland).

INDIAN CURRENCY.

The Earl of ALBEMARLE *presented* a petition from the merchants and inhabitants of Singapore, complaining of the introduction by the Government of India of a novel and inconvenient currency instead of a long-established, convenient, and satisfactory one, thereby throwing confusion into the commerce of that and the associated British settlements in the Straits of Malacca. The noble Earl said that the colony from which this petition emanated was industrious and enterprising, and well entitled to the consideration of any Government, but more particularly of one which affected free-trade principles. Thirty-seven years ago Singapore was a wretched collection of huts, inhabited by some hundreds of pirates and fishermen, and a scene of robbery and violence. Now, its imports and exports amounted to £7,000,000 sterling, and with those of the sister settlements to £10,000,000. Contrast this with the continent of India. For ten years the imports to that continent had showed no increase; indeed, they would but for this settlement of Singapore, the account of which appeared in the Parliamentary return of the revenue of Bengal, have shown a considerable decrease. In Singapore there was no land tax, no moturpha, and, consequently, no torture, no import or export duties, no anchorage dues, nor any charge upon ships or cargoes; yet that settlement managed to meet its expenditure, and in its case a surplus of revenue was as much the rule as in that of Hindostan it was the exception. The currency of Singapore was a decimal one, and perhaps the most perfect that could be devised. It was based upon the Spanish dollar, which was divided into cents, half cents, and quarter cents. That was the coin which was best suited to the people, inasmuch as it had been the coin used in these settlements ever since the Spaniards established a Mint at Mexico three centuries ago. The Act which was to inflict upon Singapore the injury of abolishing this coin was called the 17th of the Indian Government. It was, indeed, said that Her Majesty's Government had signified their intention that if it inflicted injury upon commerce it should be repealed. But why should this flourishing colony be made the *corpus vile* on which every currency quack should try his hand? for this experiment had been tried before. When the colony was established in the year 1819 the dollar was displaced, and rupees were introduced in the proportion of 25 to 100 dollars. The same result followed as obtained in Java upon the introduction by the Dutch Government of the guilder and florin. The Spanish dollar was depreciated. The sicca rupee, which was now declared to be the currency of Singapore, was the most barbarous and inconvenient coin that could be conceived; it was divided into twelve parts, and each part was resolved into a number of small shells which might be picked up on the sea-shore, and were about the value of a periwinkle, or not so valuable, for they had not the fish in them. In 1827 an attempt was made to inflict the rupee currency on Singapore; but Lord William Bentinck yielded to the remonstrances of the merchants, and the attempt was abandoned. Since then the inhabitants of Singapore had been continually protesting against the introduction of the rupee. Unfortunately, the blundering Indian Act of 1853 established a Legislative Council which, he understood, gave satisfaction neither in Leadenhall Street nor in Cannon Row, and to which, like new Frankensteins, the Government were about to put an end. This Council had, by a majority of one, with a Mr. John Peter Grant, the originator of this precious scheme, at its head, determined to inflict the rupee upon the merchants of Singapore. It was, however, impossible to reconcile the barbarous rupee currency with the previous dollar currency and its simple divisions. The result of this step would be that they would mulct their servants at Singapore of from 10 to 12 per cent of their salaries by paying them in a foreign coin which must necessarily be at a discount; and they would ultimately be compelled to do what the Dutch Government had been compelled to do—namely, to repurchase Spanish dollars in large quantities to replace the rupee currency. Although he could understand the adoption of such a measure by the Legislative Council of India, the majority of whose measures were in violation of legislative science, he was surprised that Her Majesty's Ministers, who were professed free-traders, should impose such a restriction on the trade and commerce of Singapore and the associated settlements as this barbarous currency. He held in his hand a tabular statement, published by the Government, being an attempt to adapt the fractional parts of a rupee to the fractional parts of a dollar. In this he found the word "pie," with which as applied to finance he was previously unacquainted, but which was, he supposed, used in the sense in which it was employed in a printing office—to describe the confusion of the whole matter. A single line of this table showed that 10½ pie were equal to 7 half-pice, 3½ pice, 1¾ dollar pice and 2½ cents. An integer with fractions converted into an integer with fractions! This showed that for small sums in the dollar currency there could be found no equivalent in the rupee currency. Three times he (the Earl of

Albemarle) had pleaded the cause of those whom he now represented against the East Indian Government, and twice he had been successful. He hoped that on this, the third occasion, Her Majesty's Government would see the necessity of repealing the absurd 17th Act of the Indian Government, and would, by its abrogation, restore prosperity to Singapore.

EARL GRANVILLE said, he should not occupy their Lordships' time by following his noble Friend, but he would only say that the question was not quite so simple a one as his noble Friend seemed to think. No doubt the Spanish dollar had long been the currency of the Straits, but it had never been authoritatively settled as the circulating medium of Singapore, the Government having always adopted the fractional part of the rupee in the payment of the salaries of officials and the pay of the military. In 1854 orders were issued by the Indian Government that rupees only should be issued; and when that was reported to the Home Government, they in their reply expressed some doubt as to the expediency of the measure, and directed that its working should be watched, and a report of its effect made to them, so that an alteration might be made if it was found necessary.

Petition to lie on the table.

CHURCH DISCIPLINE BILL.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR rose to move the second reading of the Church Discipline Bill, and said that the object of the measure was to introduce an improved system of Church discipline, and, generally, an amendment in the administration of the Ecclesiastical Courts. Their Lordships were well aware that from remote ages these courts had exercised jurisdiction in many matters, some of which were of a purely temporal character, some of a mixed character, and others of a purely spiritual character. These courts had exercised jurisdiction in respect to wills and the payment of legacies, which he considered to be matters of a purely temporal character. It was unnecessary to inquire how these courts first obtained this jurisdiction—it was sufficient to say that it was obtained through their connection with the Church:—at any rate, they had enjoyed for ages the right of granting probates, and of deciding what was or what was not the will of a deceased person. These courts also exercised jurisdiction in matters concerning the law of marriage, and had the power of granting divorces, not so as to enable persons to marry again, but *a mensa et thoro*, by which parties were enabled to live separate and to have independent rights to a certain extent. These matters he looked upon to be of a mixed character; for though the Roman Catholic Church considered that marriage was one of the sacraments, and it was at one time considered a sacrament in this country, yet for some long time past it was held to be, although accompanied with religious sanction, only a matter of a temporal nature. Then these courts had jurisdiction over a number of matters purely ecclesiastical, such as the spiritual correction of clerks in cases of misconduct, and also in a vast number of other matters connected with the discipline of the Church. Two years ago he had the honour of introducing a Bill, which passed this House, to transfer from these courts their jurisdiction in matters testamentary; and he had also brought in a Bill for constituting a new court for the decision of subjects relating to marriage and divorce; but these Bills did not pass through Parliament. An observation was, however, made by several noble Lords that it was not the proper way to legislate in the matter to introduce Bills such as the above, without pointing out what provision Government were prepared to make in respect to those matters which were still left under the jurisdiction of the Ecclesiastical Courts. He did not feel the whole force of the remark; but as it was repeated, and some weight appeared to be attached to it, the Government thought it their duty to make known what course they recommended their Lordships to sanction in respect to what they considered the purely ecclesiastical part of the jurisdiction of these courts; and it was with that view he now asked their Lordships to sanction the second reading of the present Bill. The present Bill which he had presented to their Lordships related solely to the ecclesiastical jurisdiction of the courts. It was called the Church Discipline Bill; that was considered by some to be an improper title, and not an accurate description of the Bill; but there was nothing in the preamble or title which limited the Bill to Church discipline. There was no attempt, either in preamble or title, to disguise or conceal what was the real nature and scope of the measure. Their Lordships were probably aware that the ecclesiastical jurisdiction was exercised in a number of courts, termed Courts Provincial, Courts Diocesan, and a number of smaller courts, which might be considered excrescences from the Diocesan Courts, and from some of which the appeal was to the Diocesan Courts, and from others to the Archiepiscopal Courts. The Report of the Ecclesiastical Commissioners in 1832 gave the number of these smaller courts as 300, and termed them Courts of Peculiars. In ancient times the appeal from the Archiepiscopal Courts was to the See of Rome; but that was done away with in the reign of Henry VIII., and an appeal was constituted to delegates, sometimes called an appeal to the King in Chancery. The party appealing appealed to the King in the Court of Chancery, and the Lord Chancellor in each particular case created a certain number of Commissioners called delegates, to form a court of appeal *pro hac vice*. The practice was to name one or two temporal Judges, one or two advocates of Doctors' Commons, and, in some cases, high ecclesiastical personages were nominated. The court so constituted was the Ecclesiastical Court which was to inquire into the matter of appeal. This was the last court of appeal known in ecclesiastical matters; but the King being supreme in all ecclesiastical as well as civil cases was not finally bound by its decision, but might grant what was called a Commission of Review. This was only done in very strong cases, and the power to grant the commission was in the Lord Chancellor. Such was the state of the Ecclesiastical Courts until quite modern times; and, with some modifications, was their state now. Their Lordships were aware at the close of the last year of the reign of George IV., when the noble and learned Lord opposite held the Great Seal, a commission was issued, directing certain persons skilled in common law and ecclesiastical law to inquire into the whole state of those courts. Fifteen Commissioners were named, amongst whom were numbered several distinguished prelates and several ornaments of the legal profession. His most rev. Friend the late Archbishop of Canterbury was one; the present right rev. the Bishop of London was another; and Lords Tenterden and Wynford, Chief Justice Tindal, Dr. Lushington, Sir W. Alexander, and a number more of the highest names were selected. These Commissioners reported in the year 1832. In their Report they pointed out as being in an extremely unsatisfactory state the jurisdiction of the courts in a great number of matters, and, amongst others, what they called the purely ecclesiastical jurisdiction. They referred to the exercise of jurisdiction in ecclesiastical matters, as distinguished from temporal matters, as very unsatisfactory. The course of proceeding in such matters was pointed out as being cumbrous, dilatory, and expensive. For instance, if a clergyman were charged with misconduct, the course pursued was to exhibit articles against him in the courts, charging him with specified offences; to that he was required to put in a cumbrous answer termed a responsive allegation, and to that another allegation might be put in on the other side; witnesses were then examined upon written interrogatories in support of the respective allegations to a most inconvenient extent. The Commissioners proceeded to detail the further steps, which they described as unnecessarily cumbrous and expensive, pointing out that the expenses frequently ran to £1,500, and that the average duration of a suit was two years. The Commissioners recommended an improvement on this system, but did not distinctly point out what it was they wanted. The matter then slept until 1840, when the Act of 2 & 3 *Vict.* c. 86, was passed. He would state shortly what were the provisions of that Act, as it might be necessary for their Lordships to see how far they would be inclined to alter or agree to them. By the Act of 1840 a Bishop, in the case of a complaint against a clergyman, was authorised to issue a commission of inquiry to five persons, one of whom was to be either his vicar-general, or chancellor, or archdeacon, but with that exception, the five persons were to be selected by the Bishop. They were to inquire, upon oath, as to the validity of the charges against any clerk against whom a complaint of misconduct was made. The clerk against whom the complaint was made was to be cited before the commission; they were to examine witnesses, and then make a report to the Bishop as to whether a *primâ facie* case had been established whereon to take further proceedings. If their report was in the negative, then the matter dropped; if in the affirmative, articles of charge were to be exhibited against the person charged, and the case was to be determined by the Bishop, assisted by three assessors, one of whom was to be an advocate or barrister; one of the others was to be either a deacon or chancellor, or some functionary in his cathedral; and the three to be at the selection of the Bishop. An appeal was given from the Bishop to the Judicial Committee of the Privy Council, and any Archbishop or Bishop who was a member of the Privy Council was authorised to act as a member of the Judicial Committee for the purpose of hearing such appeal. This machinery was found to be so unmanageable and inconvenient, that instead of being better it was almost worse than the old system. It was remarked that it was inefficient, and that while the preliminary inquiry had not the safeguards of a real trial, it was too cumbrous for a mere preliminary inquiry. He remembered one case in particular which illustrated that—the case of "Parnell *v.* Craig," in which the proceedings commenced in March, 1845. The Commissioners, who sat for nine days, no doubt at an enormous expense, agreed upon a report. Mr. Craig was not satisfied with it, and brought the case into the Court of Arches in November, 1845, where it remained "hung up," and pending at an enormous cost, until 1847. There was then an appeal to the Judicial Committee, and in March, 1849, four years from the commencement, the Judicial Committee decided that there was no ground for the action, and the defendant was set free, subject only to the enormous costs of the suit. He believed that the Court over which his noble and learned Friend the Lord Chief Justice presided had decided that when proceedings had once been instituted the Archbishop could not refuse to exercise his jurisdiction. [Lord CAMPBELL: Not after the Commissioners have reported that there is a *primâ facie* case for further proceedings.] The state of the law was felt to be so unsatisfactory that, in 1847, the Bishop of London introduced into that House a Bill having for its object to reduce those anomalies to a very considerable extent. The principal provisions of the Bill were these. The preliminary inquiry was got rid of altogether, although there might be a private inquiry by the Bishop, with the consent of the party accused; when articles had been exhibited against any party, and had been duly served upon him, the Bishop was to require him to appear before him. If the party neglected to appear, or appearing denied the truth of the allegation against him, the Bishop was to proceed to hear the cause personally with his vicar-general as assessor, or by his vicar-general or commissary, assisted by four members of a Diocesan Council provided by the Bill. All questions of fact were to be decided by the opinion of the greater number of those constituting the court; and all questions of law and the apportionment of the punishment in case of conviction by the Bishop, or his vicar-general or commissary, whichever presided in the court. The evidence was to be taken *vivâ vóce* in open court, and upon oath. An appeal was given by this Bill to the Judicial Committee of the Privy Council; every Bishop being of the Privy Council, except in the case of the Bishop of the diocess before whom the complaint originated, was to be a member of the Judicial Committee for the purposes of that appeal. These provisions, however, applied only to the case of a clerk accused of certain ecclesiastical offences. In the case of the clergyman being accused of heresy or false doctrine, the course to be pursued was that directed by law before the Act of 1832, namely, before the Court of Delegates. The Bill was referred to a Select Committee, by which very extensive charges were proposed, especially as regards the constitution of the court of appeal. An entirely new court was proposed for the decision of appeals in the case of heresy and false doctrine. In the case of England and Wales, it was to consist of the two Archbishops, the Lord Chancellor, three Bishops, the Master of the Rolls, the senior Vice-Chancellor, the three senior Puisne Judges, the Dean of Arches, the Chancellor of London, and the Regius and Margaret Professors of Divinity of Oxford and Cambridge. So that this tribunal would be composed of no less than seventeen persons, of whom nine were ecclesiastics and eight laymen. As of course it would be impossible to get a full court together, it was directed that the quorum should consist of nine of these, five ecclesiastics, three laymen, and one of the two lay Judges of the Ecclesiastical Courts—namely, three Bishops, one Equity Judge, two Puisne Judges, the Dean of the Arches Court or the Chancellor of London, and two of the Divinity Professors. To this court, also, appeals from the Consistory Courts in Ireland were to be addressed. In the case of offences by clerks against the ecclesiastical laws, the Select Committee proposed that the cognisance of the offence should belong to the Bishop of the diocess, or to the Archbishop of the province, in the case of the offender holding benefices in two diocesses, or to the Archbishop of Canterbury where the benefices lay in several provinces, or the offence was charged to have been committed out of England and Ireland. It was proposed to be provided that every archdeacon should summon all the incumbents in the archdeaconry to elect twelve of their number, the aggregate of whom should form a jury list for the diocess, out of whom four should be chosen by lot to act as assessors to the Bishop at every trial under the Act. The jury so constituted was to try all questions of fact, and give their decision on the evidence as to the proof of the allegations; and all questions of law and evidence and the award of punishment were to be decided by the Bishop, or his vicar-general or commissary. From the decision of this court an appeal was given; in the case of England to the court of appeal to be constituted by the Act, and in Ireland to the High Court of Delegates, as before the Act. Such was the measure introduced by the Bishop of London; and, had it been possible to make it workable, every pains had been taken to make it so; for the Bill was certainly a specimen of mature deliberation as to the best way of dealing with the subject. The Bill never went further than a Select Committee in 1847. It was reintroduced in 1848, again in 1849, and he believed again in 1850, but nothing was done. The change, therefore, that was admitted to be necessary in 1832, and obvious in 1840, was still to be accomplished by a mode calculated to give real satisfaction. Their Lordships were aware that for the last two years a great deal more discussion had taken place in the meetings of Convocation than had been usual in later times. In the year 1853 a Report was made from a Committee of the Upper House of Convocation, and to that Report he would call their Lordships' attention. The Committee came to the following Resolutions—

> "That they are unanimously of opinion that the present state of the law touching the discipline of the clergy is unsatisfactory, and that it needs amendment. That the great expenses and delays attending such proceedings, which amount frequently to a denial of justice, have not been removed by the recent Acts upon this subject. That the provisions of the last Act, which governs the present administration of the law, are inadequate for their purpose. That the preliminary inquiry under that Act savours too much of an actual trial, without its safeguards or conclusion; while it has been doubted whether those provisions, which were intended to govern the actual trial, could safely be used for its conduct. That the present provision for hearing and deciding final appeals is not such as to give general satisfaction. That it is highly important that these evils should be corrected. That, in the judgment of the Committee, it is desirable that all causes against clerks, involving questions of heresy or false doctrine, blasphemy or schism, should be heard as they might have been before the passing of the Act 2 & 3 *Will.* IV. chap. 92, saving as regards the composition of the court of final appeal. They would suggest the expediency of considering whether the best solution of this question would not be to restore this jurisdiction to the Queen in Chancery, and to enable Her Majesty, when any appeals shall be presented from the court of the province in matters ecclesiastical, in which any clerk in holy orders shall be a party, except in causes matrimonial or testamentary, to remit the cause for re-hearing in the court of the Archbishop, providing that they should sit under the authority of the Great Seal, with the Judge of that court, and other ecclesiastical and common law Judges to hear and decide finally in the cause."

Such were the rcommendations made by the Upper House of Convocation. Nothing, however, was done; and when, in 1854, the Government were told they were guilty of shortcoming in their Testamentary Jurisdiction Bill, in not showing how they intended to provide for the other branches of the ecclesiastical system, it appeared to him to be necessary that the Government should make up their minds with regard to a measure regarding church discipline. The present Bill was a slight modification of the Bill framed last year, which he had submitted to the right rev. Prelate the Archbishop of Canterbury, in order that he might consult his right rev. Brethren and ascertain how far it would be satisfactory to them; for he had no desire to do anything that would meet with their decided opposition. He felt bound to say that he had received very little encouragement from the right rev. Prelates. On the 11th of June last year he received a letter from his most rev. Friend to the effect that, in accordance with the desire expressed by him (the Lord Chancellor) such of the Bishops as he had been able to consult had taken into serious consideration the Church Discipline Bill, and he regretted to say that the general opinion was unfavourable; that they considered it as tending to transfer the appeal from the Bishop to the Archbishop, and from the Archbishop to the Crown; the court of appeal provided by the Bill, the

Bishops regarded as a more desirable body than that which existed under the present law, but less so than the court recommended by the Committee of Convocation; and that, therefore, they could not promise to give his recommendation their support. He must say he had read with respectful attention this letter, without being able to see that its objections were well founded, or that the Bill tended to transfer the jurisdiction as asserted. However, he thought it to be his duty to make some slight alterations in order to remove all doubts upon the two points in question; and having done so, he thought it his duty to submit the Bill to their Lordships, although it had not the sanction of the right rev. Prelates. Under all the circumstances he thought he should have been guilty of a dereliction of duty had he not stepped in to supply a deficiency which was admitted to exist. Accordingly the day before the Easter recess he laid the present Bill on the table of the House; and concurrently with his doing so another circumstance occurred to which he thought it right to call the attention of their Lordships. He had adverted to the Report of the Upper House of Convocation in the year 1853; and on the very day before he laid the Bill on the table the Lower House of Convocation made a Report to the Upper House, a copy of which he held in his hand on this very subject. That Report, without expressing any very definite opinions, suggested two modes by either of which a satisfactory court of final appeal might be constituted. One of these was the Judicial Committee of Privy Council, with the addition of fifteen ecclesiastics, consisting of the four Archbishops from England and Ireland, the Bishop of London, four other Bishops to be chosen in a manner to be agreed upon, the two divinity Professors of Oxford, the two divinity Professors of Cambridge, one divinity Professor of Durham, and one divinity Professor of Dublin—in all fifteen ecclesiastics to be added *pro hac vice* to the Judicial Committee. The other plan they suggested was that the final appeal should be to Her Majesty, who should refer the case by warrant under her sign manual to a special court, consisting of a certain number of Archbishops and Bishops, with a certain number of ecclesiastical Judges and divinity Professors. After he had laid his Bill upon the table a right rev. Prelate (the Bishop of Exeter) moved for the production of a copy of the Bill of 1847, he presumed for the purpose of contrasting it with the measure he (the Lord Chancellor) had brought in; and subseqently the right rev. Prelate himself introduced that Bill *ipsissimis verbis* as it passed the Committee in 1847. The question now lay, therefore, between these two different courses—would their Lordships stand still and do nothing, or would they adopt the second reading of his (the Lord Chancellor's) Bill or the Bill of the right rev. Prelate? The Bill of the right rev. Prelate proposed that articles should be filed and served on the party charged, who would then answer, and be tried either by the Bishop of the diocess, who would have for his assessor his vicar-general, or his chancellor, or some special commissary; and that the facts be tried by a jury of four beneficed clergymen. If the matter related to heresy or false doctrine, there was to be a final appeal to the seventeen persons whom he had mentioned. If it did not relate to such matters—that was, in England—then to the Judicial Committee of Privy Council. In Ireland there was to be an appeal to the Court of Delegates. Now, he meant to say that that plan was open to almost every conceivable objection. Who was to be the Judge on the trial? The Bishop could relieve himself, if he chose it, from responsibility by delegating his power to his assessor, to whom, if a competent person, there could be no objection; but that assessor, whether he sat with the Bishop as assessor, or presided without him, he must call Judge. And who was to be the assessor? The Bishop's chancellor, if qualified, and if not qualified, then an assessor who was to be an advocate of seven years' standing, or a barrister-at-law of ten years' standing. "If qualified." That phrase suggested what was at the root of all this—that in nine cases out of ten, as the right rev. Prelate who introduced the Bill must be aware, the chancellor or vicar-general was not a properly qualified person. Why, in the twenty-seven dioceses of England, there were twenty-eight chancellors (there being two for the see of Gloucester and Bristol), and of these not less than fourteen were clergymen. He did not mean to say that there might not be clergymen eminently qualified for such an office; but they were not likely to impress the public with the notion that they were so qualified, and he did not know that it was very desirable they should be so qualified—it might very materially interfere with their ordinary duties. Certainly, he knew one chancellor who was a clergyman—the chancellor of the right rev. Prelate—whose friendship he had had the honour to possess for nearly half a century, and he did not hesitate to say that a more able man than Mr. Chancellor Martin did not exist. But he must speak out upon this question plainly, and he must express his belief that these gentlemen, as a body, would fail to impress the public with a belief in their competency to exercise such functions. Moreover, a new chancellor was not appointed every time that a vacancy in a see was filled up, but the chancellor of one Bishop remained to his successor. Further, of the twenty-six vicars-general or chancellors in Ireland, not less than seventeen were ecclesiastics, whilst only nine were lawyers. He contended, therefore, that such a tribunal as that was eminently unfitted for the trial of any question to which judicial habits were necessary. In framing this Bill and in constituting what they supposed to be proper courts, the right rev. Prelates who promoted and supported the Bill had fallen into a very great mistake. What was the question in charges of heresy and false doctrine, which had to be decided by a human tribunal? Not the question whether, looking at the matter spiritually, one party or the other was right. That was not the question those tribunals would have to decide; but whether, according to the construction of the Act of Uniformity, the Canons, the Articles, or other ecclesiastical enactments, the maintaining of such and such a doctrine was doing that which was prohibited by law: and to decide that, he took leave to say, not only that ecclesiastical functionaries were not the best, but that they were the very worst, judges. The better ecclesiastics they were, the more difficult would it be for them to separate the question of whether an accused party was maintaining doctrine not warranted by Scripture from the question, whether the party was maintaining doctrine not warranted by the Articles and the Liturgy. He ventured to think, therefore, that the original constitution of the tribunal was eminently defective; for the question was to be tried by a Bishop assisted by his chancellor, who might be an unqualified person, and as a substitute for whom the Bishop was *pro hac vice* to appoint a special commissary, who was to be considered by him as competent. Then, as to disputed facts. Immorality or indecency might sometimes form the charges against clergymen as well as laymen. And how were these to be tried? By a jury consisting of four beneficed clergymen. But how were beneficed clergymen better qualified to decide on such facts than a common jury? They might, perhaps, be as well qualified, but why better? He disliked this provision of the Bill of the right rev. Prelate—it gave the jury too much of an ecclesiastical character, and made it appear to be something that it really was not. He did not object to disputed facts being tried by a small jury of four; but why not select the jury as juries generally were selected? He did not think it would do good to the cause of religion, or the Church, or the character of the clergy themselves, for ecclesiastics to be summoned to decide as a jury on these facts. Moreover, in trying cases which did not, *primâ facie*, appear to refer to heresy and false doctrine, questions might arise of a mixed description in which these matters would be involved; and in the event of any such questions incidentally arising on the trial, the Bill of the right rev. Prelate provided that the court might submit a case to the other tribunal provided by the Act; that was to say, they might summon the two Archbishops, the Lord Chancellor, three English Bishops, the Master of the Rolls, the Vice Chancellor, three Puisne Judges, the Dean of Arches, the Chancellor of London, and four divinity Professors—a quorum to contain a preponderance of the ecclesiastical bench—and lay the point before them for their decision. But the idea of getting such a tribunal together was, in his opinion, preposterous. Instead of a year or two—as it was complained was the case at present—half a century would elapse before the decision of such a tribunal could be obtained. This led him back to the tribunal of appeal proposed by the right rev. Prelate's Bill; and here his objection rested on the same ground as did his objection to the constitution of the original court. There were to be five ecclesiastics, four divinity Professors of Oxford and Cambridge, and eight laymen, and a quorum was to contain not less than five ecclesiastics. To this he objected on the short ground, that it was a tribunal which from its very nature must necessarily be ecclesiastical, and which would not comprehend that its duty was to decide according to law, and not according to what it might consider to be the true interpretation of any question deducible from holy writ. Well, that plan was in competition with others which had been suggested by the two Houses of Convocation. The Upper House suggested as the best court of final appeal, in truth, a return to the old system of Delegates, but without the possibility of reviewing their proceedings. On the other hand, the Lower House of Convocation, on the 13th of March, suggested the Judicial Committee, with the addition of not less than fifteen ecclesiastics. He would now state to their Lordships how it was that he had endeavoured to grapple with this, he confessed, most difficult subject. He proposed, then, in the first place that every Archbishop in his province, and every Bishop in his diocess shall preside in all proceedings in his court, but never without the presence of a chancellor as assessor; but that in every proceeding other than on a question involving points of doctrine, the chancellor should, by the written direction of the Bishop, act as sole judge. His Bill consequently proposed to constitute four ecclesiastical judges or chancellors, who should supersede what he would venture to call the generally inefficient vicars-general throughout the kingdom. When he said that, however, he wished it to be understood, that he was perfectly aware that there were exceptions, and that some of those gentlemen were eminently qualified to discharge the duty of their office. It was thought that the proper persons to appoint these chancellors would be, not the Crown, but the right rev. Prelates themselves: they were not, however, to elect them as a body;—that duty would be committed to the two English and two Irish Archbishops and the Bishop of London, or any three of them. The salaries of the chancellors would be a maximum of £3,000 or a minimum of £2,000, payable out of what he had called "The Common Fund." In all suits or proceedings involving questions concerning the doctrine or the rights and ceremonies of the Church, the Bishop, though he must have the presence of a chancellor as assessor, must preside personally—for while he thought that the ecclesiastical element was not the best for deciding, he had at the same time thought it not wise to leave the decision of such questions to the lay element. In any such suit, however, involving the doctrines and rites of the Church, the clerk may address a petition to the Archbishop to take, hear, and determine the cause in his own court, and the Archbishop may, if he think fit, thereupon remove it into his Provincial Court, in those cases in which by law he may now do so. The Bill provided, that all disputed allegations of fact should be tried by a jury, but instead of a jury of four beneficed clergymen, as proposed in the Bill of the right rev. Prelate, it was to be a jury of five laymen, members of the Established Church and qualified as special jurors. The witnesses were to give their evidence *vivâ voce*,—and the jury were to give their verdict as in the trial of issues at *Nisi Prius*. If either party were dissatisfied with the Diocesan Court, he might appeal to the Provincial Court of the Archbishop. With respect to the ultimate court of appeal, he proposed that it should be as it was now, to the Judicial Committee of the Privy Council; but on the application of both parties to a cause in the Diocesan Court, the Archbishop may transmit an appeal *per saltum* to the Judicial Committee. Inasmuch as this court of appeal would be a court of appeal from Ireland as well as England, he proposed that the two English and the two Irish Archbishops with the Bishop of London, should be *ex-officio* members of the Judicial Committee for the purpose of these appeals, and that any Bishop, whether of England or Ireland, might be appointed by the Crown to be a member of the Judicial Committee to the same purpose. He further proposed to combine the several diocesan registries into one general metropolitan registry, over which the chancellors would exercise a general superintendence, and the expenses of which would be more than met by the amount now paid in the shape of registration fees in the diocesan registries. All fees and money arising under this Bill were to be paid into the Bank of England to the credit of the Ecclesiastical Courts Commissioners, and the account was to be designated "The Common Fund," and out of it were to be defrayed all the expenses to be incurred in carrying this Bill into effect. All fees payable in respect of any suit or proceeding, and in respect of the business transacted in the registries, were, as far as possible, to be collected by stamps. He had been anxious to give the Bishops efficient legal advice, and he found upon estimating the fees on licences and other matters which would come into the Common Fund, that they would be sufficient to pay the salaries of the chancellors and other salaries, to keep up the registry with a proper staff, and to yield a surplus which would provide each Bishop with a secretary; he had therefore authorised the Archbishop and the Bishop of London, or any four of them, to apply an adequate portion of the Common Fund to providing and paying a secretary for each Archbishop and Bishop to transact the business of the several sees—the salary he should propose to be £200 or £300 a year, or more if necessary, and the funds were equal to meet it; but the sum he had mentioned was as much as a Bishop's chancellor now ordinarily received in the shape of salary. Such was the measure he proposed to remedy the admitted defects of the existing law. The subject was beset with difficulties, as all would admit, but he thought the present Bill would remedy many of the anomalies now so much complained of. He had endeavoured to frame a measure which should unite the advantages of rendering the proceedings cheap and expeditious. He had provided each Bishop with competent legal advice in the shape of a secretary with a sufficient salary. He had provided a proper assessor for the Bishop when he was deciding upon those cases which were proper for him to decide in person, and a proper substitute in those which might advantageously be confided to a delegate. He had provided a proper tribunal for deciding upon disputed facts; and he had provided, he thought, a better tribunal of ultimate appeal than any that had yet been suggested—either by the Bill of the right rev. Prelate, or by the Houses of Convocation. The Bill, he could assure their Lordships, had been conceived in no hostile spirit, either to the Prelates, or to the Established Church, and he trusted they would not hesitate to give it a second reading.

Moved, That the Bill be now read 2ª.

The Archbishop of CANTERBURY said, that he rose with unfeigned reluctance to oppose the Bill which had been proposed to their Lordships by the noble and learned Lord. He was sensible of the responsibility which he incurred by objecting to a measure, introduced by such high authority, on a subject part of which at least was generally acknowledged to require the interference of the Legislature. Still, he confessed that much of the embarrassment which he might otherwise feel on this occasion was relieved by the strong conviction which he entertained that the Bill in question had received little other benefit from the patronage of the noble and learned Lord than its introduction under the sanction of his name, and the powerful advocacy with which he had now explained its nature to their Lordships. He felt satisfied that if his noble and learned Friend had designed to be the author of a measure affecting the administration of the affairs of the Church in the degree in which they were affected by this Bill, he would not have allowed those who were most interested in those affairs to hear of his intention, for the first time, when a Bill of nearly 200 clauses was laid upon the table; he would have followed the course which a long and honourable legal career had made familiar to him; he would have examined into the facts of the case; he would have sought out witnesses to prove the facts; he would have consulted those who were conversant with the matters treated of; he would have required evidence of the things requiring remedy, and would have provided what the occasion needed, and no more. He would not have proposed to overthrow the whole system on which the affairs of the Church had been hitherto administered, without proof of its necessity. He would not have introduced a machinery altogether new and complicated, without securing a prospect of its working well and easily, to the satisfaction of the parties concerned. He (the Archbishop of Canterbury) had alluded to one source of embarrassment arising out of his opposition to this Bill. It was not the only one. He had another cause of uneasiness in the fact that the Bill had received the sanction of his brethren on the Irish Bench, and, in particular, was supported by the most rev. Primate, whose authority must deservedly have great weight with their Lordships, who knew how long he had presided over the Irish branch of our Church, with so much advantage to the interests of religion. If the unity of the Church of England and Ireland, to which the noble and learned Lord had alluded, depended on the passing or the rejection of the Bill, or was at all affected by it, he, for one, would not oppose it. That unity must not be disturbed. Happily, there was no such danger. That which was essential to the unity of the two branches of the same Church was uniformity of doctrine, and to maintain that identity he allowed it to be necessary that there should be for both countries the same court of final appeal. This must be provided for by some alteration of the present appellate jurisdiction. But it was not necessary that their mode of administering the ordinary affairs of the Church should be in all respects the same. It was very possible that the changes which had taken place in the Irish branch of the Church during the last twenty years—the suppression and consolidation of sees — might require a fresh organisation of their registries, and, for aught he knew, have rendered a central registry desirable. Such was not the case in England, where our diocesan registries were correctly kept, and easily accessible. He trusted, therefore, that his right rev. Colleagues would perceive that no disrespect was shown them if the English Bishops declined to adopt a change of system which was totally uncalled for, and would be simply inconvenient in the dioceses in England. It was not his intention to follow the noble and learned Lord through the details of the Bill, and to show its objectionable character both in principle and practice. This office would devolve upon those who were to follow him. Their Lordships must have already seen how little it corresponded with its title, as a Bill "for better enforcing Church discipline, and the laws ecclesiastical." A great part of it might more justly be described as a Bill for putting the ecclesiastical authority in commission; and this for no imaginable purpose, except to provide a remuneration for certain officers under the name of chancellors, whose only business it would be to sign and seal documents which they had, or ought to have, no concern in framing, and to sit as assessors to a Bishop when a charge of delinquency was brought against any of his clergy. He was happy to say that such charges were not so frequent as to require such expensive provision. The amendments which the Act on Church discipline confessedly required might be made without a total change of the existing ecclesiastical system. This, he trusted, would be proved in the course of the evening to their Lordships' entire satisfaction. He only regretted that the usages of the House did not permit him to shape the Motion with which he should conclude in terms which sounded more courteous than that the further consideration of this Bill be postponed until that day six months.

Amendment *moved*, to leave out "now," and insert "this day six months."

The Bishop of DERRY rose to support the Bill, and said, in the unavoidable absence of his Grace the Archbishop of Armagh, he had to state, for the information of their Lordships, that when this subject was under discussion last year, the Archbishops and Bishops of Ireland held a meeting, at which they adopted the following Resolutions:—

"The Irish Archbishops and Bishops are unanimous in their desire that there may be one court of final appeal for the United Church of England and Ireland, and that in the constitution of that court the Queen's supremacy should be maintained intact. They, therefore, approve of the Court of Appeal in the proposed Church Discipline and Registry Bill, and they cannot give their sanction to the recommendation of the Committee of the Convocation of Canterbury, which would make the decision of the Queen in Chancery or Court of Delegates final, thereby withdrawing from the Queen in Council the power of reviewing all such decisions—a power which now belongs, and for ages past has belonged, to the Sovereign in Council.

"The Irish Archbishops and Bishops are convinced that the Church would derive great advantage from combining the several diocesan registries into a well-organised central registry. And they are ready to forego their private patronage in this respect, feeling that they ought not to allow a regard for their personal or family interests to stand in the way of a reform demanded by the voice of the country.

"The Irish Archbishops and Bishops deem it to be of great importance to the Colonial Church that a final court of appeal in ecclesiastical matters should speedily be established, in order to secure uniformity in doctrine and discipline throughout the colonial dioceses.

"For these reasons the Irish Archbishops and Bishops are unanimous in wishing that the Bill prepared by direction of the Solicitor General should be brought into Parliament, reserving to themselves the right of suggesting amendments in the details of the Bill when it is passing through the House of Lords."

And on the 29th of November last the following statement, addressed to Viscount Palmerston, was drawn up by the Prelates whose names were attached to it:—

"To the Right Hon. Lord Viscount Palmerston.

"The Archbishops and Bishops of the provinces of Armagh and Dublin beg leave to submit to the Viscount Palmerston the following statement, with reference to the draft of a proposed Bill, entitled 'The Church Discipline and Registry Act, 1855,' which was prepared, under the direction of the Solicitor General for England, by Mr. Stephens, and which was communicated to the Irish Prelates in the course of the last summer.

"A letter on the subject of this Bill was addressed by the Archbishop of Canterbury to the Lord Chancellor of Great Britain, on the 11th of June, stating certain objections against the measure on the part of his Grace and twelve of the English Bishops assembled at Lambeth. Their objections were as follow:—1. The tendency of the measure 'to transfer the jurisdiction of the diocesan Bishops to the Archbishops;' 2. 'And that of the Archbishop to the Crown.' 3. That 'the Court of Appeal which it proposes, though an improvement upon the present law, is less desirable than one which was suggested last year by a Committee of Convocation, the Report of which was laid upon the table of the House.'

"An opportunity having been afforded for the consideration of the proposed Bill at a meeting of English and Irish Prelates, held at the Bounty Office on the 19th of June, the first and second of the foregoing objections were fully discussed; and in a letter, dated the 22nd of June, addressed to the Solicitor General, the Irish Prelates then in London expressed their opinion that the proposed measure should be altered so as to obviate those two objections. But with respect to the third objection, the Irish Prelates were of opinion that the court of final appeal suggested by the Committee of Convocation was inconsistent with the legal supremacy of the Crown, and that the appellate tribunal proposed in the Bill should be adopted.

"The counsel who drew the Bill having been recently requested to state if it could be amended so as to meet the views of the English Prelates without violating its principles, the Irish Prelates have had laid before them an amended draft of a Bill, with a letter explanatory of the Amendments, which appear to them not only to remove the first two objections mentioned in the letter to the Lord Chancellor, but also to improve the Bill in other respects in a manner calculated to be satisfactory to the English Prelates. And as the Court of Appeal which would be constituted by the Bill is admitted by the Archbishop of Canterbury, on the part of himself and twelve of the English Bishops, to be an improvement upon the present law, the Irish Prelates earnestly hope that the amended Bill may prove acceptable to their Lordships.

"Without pledging themselves to details, the Irish Prelates desire to express their unanimous conviction of the urgent necessity which exists for this measure of ecclesiastical reform. And especially if the testamentary jurisdiction be removed from the Church Courts (which in that case must hereafter be supported by ecclesiastical business exclusively), they think it essential that the Church Courts and the ecclesiastical registries should be dealt with together so as to make them self-supporting.

"They are also of opinion that the plan of reducing the number of chancellors would be for the advantage of the Church, as giving encouragement to persons of eminence to devote themselves to the study of ecclesiastical law. And they apprehend that, unless this plan be adopted, when the testamentary jurisdiction is withdrawn from the Church Courts, there would not be sufficient funds to afford adequate remuneration to qualified chancellors for each of the dioceses. The provision made in the amended Bill for the payment of the secretaries of the Prelates is, they conceive, a satisfactory solution of any difficulties which might arise from the concentration of the registries.

"They have also to submit that as the 5th Article of the Act of Union of Great Britain and Ireland provides 'that the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland;' and that the doctrine, worship, discipline, and government of the said United Church shall be, and shall remain, in full force for ever, as the same are now by law established for the Church of England;' it is essential, in order to prevent conflicting decisions in the United Church, that there should be but one court of final appeal for the Church in England, Ireland, India, and the Colonies.

"The Irish Prelates submit this statement to the Viscount Palmerston in order that Her Majesty's Government may be in possession of their sentiments, in case it should be in contemplation to bring forward any measures in the next Session of Parliament for the regulation of the Ecclesiastical Courts of the United Kingdom.

"It having been reported that the Church Discipline and Registry Act originated with the Prelates of the Church in Ireland, they think it right to state that such report was unfounded, inasmuch as they were not aware of its provisions, or even of its existence, until after it had been drawn by Mr. Stephens, under the direction of the Solicitor General for England.

"Dublin, Nov. 29, 1855.

"JOHN G. ARMAGH.
RICHARD DUBLIN.
J. H. MEATH.
LUDLOW KILLALOE.
PLUNKET TUAM, &c.
J. T. OSSORY AND FERNS.
ROBERT CASHEL.
J. CORK.
ROBERT DOWN AND CONNOR.
WM. DERRY AND RAPHOE.
HENRY LIMERICK.
M. G. KILMORE."

After the clear—he might say convincing—statement of the noble and learned Lord on the woolsack, it might seem needless that he (the Bishop of Derry) should for one moment trespass on the time and attention of their Lordships; but, agreeing as he did with the most rev. Prelate the Archbishop of Armagh, and with his Brethren of the Irish Episcopal Bench, in the opinion that the Bill now before the House was substantially a good one, he felt it to be a duty which he owed to himself not to content himself with merely giving a silent vote in its favour. He and his right rev. Brethren were deeply interested in the passing of a comprehensive measure which would in a *boná fide* manner carry out what was useful and necessary in the discipline and doctrine of the United Church of the two countries, in confirmation, if he might so express himself, of what took place, when the Legislatures of both countries were happily, and he trusted for ever, united. By one of the Articles of the Legislative Union it was enacted that the Churches of England and Ireland, as by law established, should be united in one connected Church, to be called "the United Church of England and Ireland;" and it was declared that the doctrine, discipline, and government of the Church, should remain in full force for ever, as they were then by law established. On that he would take his stand; and whatever Bill was introduced for the regulation of Church affairs in England, to be satisfactory to the Irish branch of the Church, must maintain and support the perfect identity of the two Churches. He knew that it had been urged that the Irish canons were not identical with the English canons; but it should be remembered that canons were not an essential element of a Church, for they were different at different times and in different places. The canons of Canterbury were different from the canons of York, and, therefore, any argument based upon the differences of canons was perfectly untenable. As to the Bill itself, he thought its principles were such as ought to satisfy the Prelates of the Irish and English benches, and he had no apprehension that under its provisions the jurisdiction of the Bishops would be taken from them. The Prelates of Ireland were as much interested in sustaining episcopal authority as were those of England. He begged respectfully to state that the Bill had his most humble approbation, and it was with deep regret he found himself differing from the most rev. Prelate (the Archbishop of Canterbury), whom he so highly esteemed and respected, and from those other English Prelates whom he venerated. However, he felt that he would not be discharging his duty towards their Lordships or to the country at large, if he did not express, in the strongest terms, his approbation of the Bill. He did not mean to say that the Bill might not be improved in detail and made more acceptable to the English Prelates; but a Bill which maintained one appellate tribunal, with a due admixture of English and Irish Prelates, and civil with ecclesiastical authority, for both countries, was to his mind a satisfactory one. And he trusted he might he allowed to express his hope that, whatever differences of opinion might arise between the English and Irish Prelates on subjects like the one now under discussion, it would always be their constant endeavour, as it would be their constant prayer, to keep "the unity of spirit in the bond of peace." The Established Church might labour under certain deficiencies; but she had hitherto been, and he believed she would remain, the *decus et tutamen* of the country. He would conclude by expressing his thanks to Her Majesty's Government for the introduction of this Bill.

The Bishop of Derry

THE BISHOP OF EXETER:* My Lords, I request permission to occupy the attention of your Lordships for a short time, while I offer a few observations upon the Bill now under your consideration, and state the reasons by which I am compelled to vote against its receiving a second reading. Let me, however, first, have the satisfaction of saying, that in one important particular I fully agree with the right rev. Prelate (the Bishop of Derry) who has just addressed your Lordships in favour of the Bill, and I confidently believe there is not any difference of opinion whatever between the Prelates of the Church in this country and those of Ireland in respect to it—I mean the importance and the necessity of establishing one court of final appeal for the Church in both countries, in all causes involving questions of doctrine, perhaps in all causes whatever. But having said this, I must add, that I see much, very much, in the Bill, which the Irish Prelates are willing, nay, eager to accept, open, in my judgment, to the gravest objections. Those objections I shall endeavour, with your Lordships' permission and kind indulgence, to state as calmly, and as dispassionately, and as briefly as I can.

My Lords, the right rev. Prelate near me has stated, and I need not say that I fully assent to his statement, that in order that a real unity should exist between the Church in Ireland and in England, there ought to be an unity not merely of legal establishment, and of security for the enjoyment of temporal possessions and temporal privileges, but that, in order that that unity should be real and substantial and binding, it should be a unity in all things essential to a Church, above all, unity in doctrine, and in whatever is fundamental in the constitution of the Christian Church. My Lords, till this night I had hoped that such unity did exist in the Church in the two countries, and it is, therefore, with feelings of very great regreat, of very deep pain, that I avow before your Lordships that my confidence in that hope has been very much shaken this evening by the statement which has been made by the right rev. Prelate. My Lords, by that statement, a statement deliberately made—a statement which has, it seems, been repeatedly put forth, and in the highest quarters—it appears, that both the most rev. and right rev. Prelates who represented in this House last year, and those who now represent in this House, the whole episcopate of Ireland, do not think it necessary to preserve entire the authority of a diocesan Bishop over the clergy of his diocess. I had, my Lords, when I was first informed that those right rev. Prelates were, and are, decided in giving their support to the Bill before us —I had hoped that some one of them, at least, would have stated the reasons which had satisfied them, and by which they would undertake to satisfy others, that the diocesan authority of Bishops was not impaired—was not, at any rate, rendered absolutely and merely precarious, by the Bill which they were so anxious to recommend to the adoption of your Lordships. My Lords, I have been disappointed. The statement which has just been read to you as the statement of the Primate and all his brethren — the statement, in express terms, of "the Irish Archbishops and Bishops," — informs us, that they are unanimous in their adhesion to the principles embodied in the Bill now under the consideration of your Lordships. And yet, my Lords, to one of the main provisions of this Bill, I rejoice to know, not one of the Bishops of the Church in England will ever give his assent; that they will all unanimously reject the Bill in which it is contained. And I must say, painful to me as is the declaration, that if the Prelates of the Church in Ireland show by their votes this night their deliberate judgment—for their judgment will be unhappily most deliberate — and in despite of the most earnest and repeated remonstrances — that the particular provision of this Bill to which I have thus referred, is tolerable, and not only tolerable, but is eagerly to be adopted in their branch of the Christian Church, I know not how any faithful Catholic can hold communion with them. I say, my Lords, and I must not be afraid of saying, that if the Irish Bishops approve and accept the principle of dealing with diocesan episcopacy as a matter of no essential moment, they not only separate themselves from the Church of England, but they go further — they separate themselves from the Holy Catholic and Apostolic Church. I say this most seriously, most distinctly, most painfully— yet that such is the intention of the Irish Bishops I think I clearly understand from the language of the right rev. Prelate near me. For that right rev. Prelate has said, that the Irish Bishops approve of all the principal provisions of the Bill. I may be wrong in my apprehension of the meaning of the language used by the right rev. Prelate, and if I am, I trust he or one of his brethren will correct me.

My Lords, one of those principal provisions, that which I regard as the principal, is contained in the 15th clause of this Bill, and was contained in the Bill submitted to the consideration of the Bishops of the United Church some time in June of last year. It was then repudiated at once by all the English Bishops; and, although at first accepted by their Irish brethren, was on consideration repudiated also by them, as tending "to transfer the jurisdiction of the diocesan Bishops to the Archbishop."

My Lords, the framer of this Bill undertook to remove that objection; and in order to do so, he has given to us the 15th clause of the present Bill, containing, with very little alteration—none which affects the principle of the clause—the very same principle which was declared last year to be contrary to the very essence of diocesan episcopacy by the Bishops in both branches of the United Church. In short, my Lords, the Bill, in its 15th clause, would deprive the Bishops of the authority they have hitherto exercised over the clergy from the very foundation of the Church of Christ, or at least would make that authority to be, for the future, exercised only according to the will and pleasure of the Archbishop.

My Lords, so great is the importance of this part of the Bill before us, that I must beg leave to call your attention to the very terms of the 15th clause—a clause which, I repeat, and cannot repeat too often, is one of the most fearful character. That clause distinctly withdraws all authority from the diocesan Bishops, and vests it in the Archbishop, to be exercised only at his pleasure and under his permission; for it provides that any clerk against whom "any suit or other proceeding is instituted, involving any question of doctrine or the due administration of the sacraments, may lodge in the registry a petition addressed to the Archbishop of the province, to take, hear, and determine the cause in his own Court; and it shall be lawful for the Archbishop, if he think fit, thereupon to take, hear, and determine the cause in his Provincial Court."

Now, let me ask, is not that depriving the diocesan Bishop of the authority he now possesses and has possessed from the days of the Apostles, and vesting it in the

Archbishop? And yet the right rev. Prelate says he considers this a sound and wholesome provision. I have, then, too much reason for asserting, that if the Irish Bishops, by their votes this night, shall thus deny the sacred origin, the Divine right, of the Bishop's authority over his clergy, they thereby separate themselves from the Church of England; and I must repeat that they separate themselves from the Holy Catholic and Apostolic Church. I hope, then, that some other right rev. Prelate of the Church in Ireland will rise and disclaim the doctrine asserted by the right rev. Prelate near me. I say that this clause openly assails the diocesan episcopacy, and the authority of the Bishop over his clergy—an authority which is of Divine right, claimed to be such by the Church of all ages from the time of the Apostles, and most faithfully retained as such by our own Church. My Lords, the vow made by every Bishop at his consecration is, that he "will correct and punish the criminous by the authority which he has by God's Word." That vow is part of the *Book of Consecration of Bishops, and Ordering of Priests and Deacons.* As such it has the express authority of the Thirty-nine Articles; it is, moreover, a part of the *Book of Common Prayer;* and to it every Minister of our Church, openly before the people, declares his unfeigned assent and consent before he is admitted to any benefice. That declaration, therefore, has been repeatedly made by every one of the right rev. Prelates of Ireland who have this night avowed their determination to contradict it by their vote for the present Bill.

But neither, my Lords, is it the Church alone which affirms this sacred principle. My Lords, the law of the land gives to it its express sanction—a sanction which I rejoice to claim, in justice to that law, as the law of a Christian State. My Lords, this sanction is given not only by the statute of King Edward VI., which established the *Book of Consecration*—by the 13th of Queen Elizabeth, which established the *Book of Articles*—but by three Acts of Uniformity, especially by the Act 13 & 14 *Charles* II., which is declared by the Treaty of Union of the Kingdoms of England and Scotland to be, and is to be deemed for ever, an essential and fundamental article of that Union.

But, my Lords, while we acknowledge, thankfully, exultingly acknowledge, this faithfulness of the State to the Divine right of the Bishop's authority over his clergy, our main rejoicing must be, that it was the Church which impressed this sacred principle on the State—the Church, at the very time when, by God's blessing, it rescued itself from its long thraldom to the corruptions of the Church of Rome. My Lords, whatever else it found necessary to reform, this great, this paramount principle, our Church adhered to with holy tenacity—a principle by which it is linked to the Church of the Apostles, by which it maintains unity with the whole Catholic Church Militant here on earth, and will, we humbly hope, indissolubly maintain it until that Church become the Church triumphant in Heaven.

My Lords, if have dwelt long, perhaps too long, on what concerns this great line of demarcation (I grieve that it exists) between the English Bishops and those of Ireland, I rest my claim to pardon on the great interest at stake.

My Lords, I turn to the declaration of the noble and learned Lord who has moved the second reading of this Bill. He has said that it is the same as that which was laid before the Bishops last year. [The LORD CHANCELLOR: I said it was the same as that Bill, with certain alterations.] Then why were not those alterations communicated to the English Bishops, as they had been to the Irish? What have we done to disentitle us to the same courtesy as was thought due to our right rev. Brethren? Why were not we consulted on a measure which affects alike the interests and well-being of both branches of this United Church? But I must tell the noble and learned Lord that he is mistaken when he says that it is the same Bill. All the clauses relating to the appointment of chancellors, and the powers of those chancellors,—a very main portion of the Bill before the House—were struck out of the Bill of last year, when it was shown to the English Bishops, as the Bill which would be brought before Parliament. [The LORD CHANCELLOR shook his head.] I beg leave to say that several of the Bishops near me received copies of the Bill with the clauses struck out. But what I complain of is, that while the alterations proposed to be made in the Bill were, as I understand, communicated to the Irish Bishops, no such communication was made to us; and I must express my great surprise at the treatment the

English Bishops have received in this matter. I must also again say that this Bill differs very much, and in many important particulars, from the measure of last year; for instance, I repeat that the Lord Chancellor had struck out the clauses respecting the chancellors which are in the present Bill, when he asked the opinion of the English Bishops as to the remainder. [The Lord Chancellor: No, no.] The noble and learned Lord denies this statement. Here, then, is a question of veracity. Now, I declare, on the authority of a right rev. Prelate who is present, that when the Bill of last year had been shown to the English Bishops, they at once declared their strong objection to the appointment of the six, now four chancellors, and the powers proposed to be given to them; that, on hearing of this, the noble and learned Lord immediately declared that his objection to the clauses respecting chancellors was as strong as theirs; he then took the Bill, struck out of it with his own pen the clauses which concerned chancellors, and said, "If there are any on this matter which I have not struck out, pray strike them out yourselves, and tell me what you think of the Bill as it will then stand."

The LORD CHANCELLOR: I wish to be permitted to explain this matter here at once, to prevent any misunderstanding. I beg to say, that when I submitted the Bill to the Archbishop of Canterbury, I received from him an intimation that the right rev. Prelates generally objected to what were called the "Chancellor clauses" in the Bill. I then asked if the right rev. Prelates assented to the rest of the Bill? I should like to know in what position the Bill would stand, if I struck out those clauses? and what would then be the opinion of the right rev. Prelates of the Bill? When the "Chancellor clauses" were objected to, I drew my pen through them.

The Bishop of EXETER: Well, so far as the explanation of the noble and learned Lord goes, I thank him for the confirmation he has given to the statement I have made. My Lords, I turn to some other considerations connected with other portions of the Bill. The Bishops, in 1855, as I have already said, had objected to the Bill then laid before them, for two reasons most especially; first, that it transferred the jurisdiction of the Bishop to the Archbishop; and, secondly, that it gave the jurisdiction of the Archbishop to the Crown.

My Lords, in the present Bill this second objection is removed. The jurisdiction of the Archbishop is most properly restored by the 73rd clause, which provides, that if any party is dissatisfied with any judgment pronounced in the Bishop's court, he may appeal to the Archbishop. But why was it that one only of the two great objections to the Bill of 1855 was removed, and the other, the transferring of the authority of the Bishop to the Archbishop, left in the main unaltered, and, in the particulars in which it was altered, altered for the worse? The 13th clause of the Bill of 1855, answering to the 15th of the present Bill, compelled the Archbishop, at the petition of the criminous clerk, to take the cause out of the jurisdiction of the Bishop, and to hear and determine it in his own court, as if the cause had arisen in his own diocess. The 15th clause of the present Bill does not compel the Archbishop thus to take the original jurisdiction out of the hands of the Bishop; it only permits him to do this, if he shall think fit. Its words are—

> "That, in any proceeding against a clerk involving any question of doctrine, or the due administration of the sacraments, the clerk may lodge in the registry a petition to the Archbishop to take, hear, and determine the cause, and it shall be lawful to the Archbishop, if he think fit, to take, hear, and determine the cause in his Provincial Court."

Why, this, my Lords, is downright Popery, and therefore I said it is worse than the clause of last year. It gives to every Archbishop in his province precisely the power and authority which the Pope claims throughout the Church of Rome. But there is this difference in the cases—a difference which, in practice, would make the Archbishop to be more absolute — more a pope than the Pope himself; for, though the Pope claims the right of jurisdiction in every diocess of the Roman Church as the supreme pastor of all—although, therefore, he may exercise original jurisdiction, and may hear and determine every cause if he think fit, yet, in fact, he never exercises, and I believe never has exercised, that power. If a clergyman be proceeded against by his Bishop for maintaining false doctrine, and if thereupon he applies to the Pope to hear the cause, the Pope invariably asks if the Bishop has heard the cause; and if the answer be in the negative, the applicant is told to submit to the Bishop as his judge in the first instance; if the Bishop did not do justice in the matter, then to have recourse to the Pope, who would hear and decide it. Now, such is precisely the position in which this Bill sought to place the Archbishops of the Church of England in respect to power; but there is this difference to be noticed, namely, that, while the Pope never, in fact, interferes in the first instance, here the Archbishops are invited by this Bill to take upon themselves the exercise of the authority which now belongs to the Bishops, and to take out of their jurisdiction altogether the decision of cases which now properly belongs to them, and has belonged to them from the very beginning of the Christian era. It may be said that the Archbishops would not take advantage of the powers proposed to be conferred upon them by this clause; but that I think must appear an absurdity upon the face of it—for why insert such a clause in the Bill if it was not intended that advantage should be taken of it? Again, a feeling of delicacy, it may be said, would induce the Archbishops not to avail themselves of this clause; but let me ask, is it not much more probable that, when an Archbishop found himself endowed with this power, he would think it his plain duty to exercise it?—that no feeling of delicacy ought to operate with him—that if a cause involving an important question of doctrine was brought before him, he would deem himself bound to decide upon it?—that he would, therefore, exercise the power and authority with which this Bill proposed to invest him? Well, then, if such should be the operation of this Bill, if passed into law, let me ask, would it be a means of preserving concord and good feeling between the Archbishops and Bishops of the Church of England? Is it the course which ought to be pursued if there be any desire to keep the Church of England a Church united in itself? It is absurd to suppose for a moment that such a state of things could exist under a law conferring such a power as the Bill would confer. It would be the surest way of leading to enduring ill-will and bitterness of feeling, and mutual jealousies of every kind. It must be plain to every man of common understanding that the transference of this authority from the Bishops to the Archbishop, to be exercised or not at his will, would lead to constant disputes and party feeling between the clergy and the Bishops, and between the Bishops and Archbishops. My Lords, it would have been much better to have let this part of the Bill remain in the form in which it stood last year, than now to propose to place the Bishops under the arbitrary will and control of the Archbishops, which, I contend, would render the Bill in its operation perfectly intolerable.

And here permit me to remind your Lordships, not what is the authority of an Archbishop, but what was its origin. Was the authority of an Archbishop given in the same manner as that of a Bishop, namely, by the Word of God? Certainly not. This is not, cannot be, pretended. No man in this House would, I feel confident, venture to say that the authority of an Archbishop over a Bishop, as it is exercised in this country, was given by the Word of God. It is well known that the authority of an Archbishop is ecclesiastical, that it was the Church that gave it origin, and therefore I say that, unless this House is prepared to affirm the proposition that the authority of the Church is to supersede the authority of the Word of God, it will not place the authority of an Archbishop upon the same divine platform as that of the diocesan Bishop. An Archbishop is not created by any special form of consecration, and there is no recognition whatever of his having his authority by the Word of God. My Lords, if an Archbishop be made *per saltum*—that is, as it has often happened, if a mere Presbyter were promoted, at one step, from his position as a mere Presbyter to that of Archbishop of Canterbury, his consecration would be precisely in the form used for the consecration of a Bishop—a fact which clearly proves, that the Church regards the authority of an Archbishop in a light perfectly distinct from the authority of a Bishop. While I make these observations I wish it to be distinctly understood that I regard the appointment of Archbishops as a most wise and blessed institution—one admirably fitted to restrain Bishops from abusing the authority of their high office: all that I contend for is, that the Legislature should be slow in entertaining any measure which would transfer to the Archbishops the authority, the divinely-given authority, of the Bishops.

My Lords, perhaps many of your Lordships are not aware of the anomalous position in which an Archbishop is placed in this Church and country. An Archbishop, as such, is absolutely and wholly irresponsible;—he may commit any ecclesiastical offence whatsoever without being amenable to any law—there is no authority which can punish him. I do not mean to say that Archbishops cannot be made amenable to justice if they should commit any offence against the temporal law—I only say that they may violate every law of the Church with entire impunity. An Archbishop may be a heretic or an atheist; he may encourage heresy and atheism; he may seek to make proselytes to heresy or atheism; and yet there is no authority whatever to check or restrain him.

My Lords, I am not speaking merely of things which may happen—I speak of what we have in some measure experienced within my own recollection. There was an Archbishop who, though I will not go the length of saying he absolutely, or directly, or intentionally, propagated Unitarianism, yet went so far as to put forth a version of the New Testament, which was adopted by the Unitarians as the basis of the work which they designate "an improved version of the New Testament." My Lords, I speak of the last predecessor but one of the present Archbishop of Armagh—I speak of Archbishop Newcome. Then there was, about forty years before, the case of an Irish Bishop, whose name was Clayton, one who was absolutely so heretical, his avowed and published works were such, that legal proceedings were announced to him by his Archbishop, surrounded by the other Bishops of his province: he took the highest legal opinions, and was told that it was most probable that his conviction must follow his trial, and that the result would be his being deprived of his bishopric. My Lords, he took this communication so much to heart that he died before the proceedings against him had made much progress.

But it may be said that this was the case of a Bishop, and only showed that an heretical Bishop can be punished. True, my Lords: but this Bishop had very nearly been an Archbishop, and then he could not have been punished. He had been actually recommended to the Government at home for the Archbishopric of Tuam, by the then Lord Lieutenant of Ireland; and he lost his intended appointment by an incident which was somewhat remarkable. It appeared that one of his own clergy, a young man of some talents, having discovered his Bishop's heretical tendencies, showed to him a work of his, entitled *Essay on Spirit.* The Bishop was so much pleased with it that he recommended its publication. The author, however, declaring himself afraid to publish it, the Bishop took charge of the work, published it, and was generally believed to be the author. Its character, however, having happened to reach the ears of the Government in England, the Lord Lieutenant's recommendation of Bishop Clayton to the Archbishopric of Tuam, contrary to wont in such cases, was without effect. I say, therefore, my Lords, that I am not indulging in a mere idle fancy, when I state that it is not only possible, but within the range of actual experience, for an Archbishop to be guilty of very grievous offences against ecclesiastical law, nay to contradict the very vital doctrines of the Gospel. My Lords, this consideration ought, and will, make you pause, before you confide to Archbishops the power which is proposed to be given them by this Bill.

The Earl of HARROWBY said, there were words in the clause which the right rev. Prelate had not noticed, which fully met his objection.

The Bishop of EXETER: My Lords, the noble Earl reminds me that there are words in the 15th clause, which I have not noticed. I thank the noble Earl for the suggestion—I had intended to notice those words, but had forgotten them, and I am now reminded that the clause says—

> "That it shall be lawful for the Archbishop, in any proceeding against a clerk for maintaining false doctrine, to take, and hear, and determine the cause, as he might have done by any statute or law before the passing of this Act."

Why, my Lords, there is no statute or law at present existing, which enables the Archbishop to take a cause of heresy out of the cognisance of the Bishop (unless in some case of exception), and to determine it himself in the first instance. If there be such a statute or law, let the noble Earl—or let the noble and learned Lord whose name is on the back of this Bill—produce it. But, my Lords, I again confidently say, there is no such statute or law, and the introduction of those words into the clause makes it mere nonsense, and can have proceeded only from gross ignorance in the person, whoever he be, certainly not the noble and learned Lord, who drew the clause.

My Lords, through the kindness of the Primate of Ireland, I last year received an authoritative exposition of the Bill then intended to be introduced into this House, which exposition was contained in a letter addressed to the Primate himself. In that Bill was a clause, which, like the 15th of the present Bill, deprived the Bishop of his original jurisdiction, and transferred it to the Archbishop. My Lords, I have already said, that the power, thus proposed to be taken from the Bishop, is of the very essence of the catholicity of the Church—that it is a sacred principle—always regarded as such by the Church, and always hitherto so recognised by the law of England. But, my Lords, I have another authority for this statement, to which I can refer your Lordships—that of the learned Gentleman who drew the present Bill, and was the writer of the authoritative exposition of its provisions, together with the grounds on which he rested their justification. My Lords, at page 7 of that exposition, the letter to the Archbishop of Armagh, the learned gentleman says—

> "The authority which our Lord gave to his Apostles, and through them to the Church, contained no external coercive power; it was a power over the consciences of men—not over their bodies. . . . . During the first three centuries discipline was exercised over the clergy by virtue of the authority derived from the Apostles:—'Against an elder receive not an accusation, but under two or three witnesses. Them that sin rebuke sharply, that others may fear.'—1 Tim. v. 19, 20. 'A man that is an heretic, after the first and second admonition reject.'—Titus iii. 19. This is a part of the authority which Bishops possess by the Word of God—not from the ordinance of the realm (the form of consecrating a Bishop). This power was exercised by Bishops during the first three centuries without any assistance from the civil power, and therefore without any 'jurisdiction,' in the proper sense of the term. The authority of Bishops was enforced by spiritual punishments only, except where the stipends of the clergy afforded a means of punishment.
>
> "These punishments were—(a) Suspension from office for a time brief or long. (b) Deprivation or degradation from orders, either to a lower order or to the state of laymen. (c) For the greatest crimes, excommunication was sometimes added. (d) The loss of stipend of course attended all such sentences.
>
> "The offences which were thus punished were generally the same as those now accounted clerical offences, with some variations arising from the then state of society. Heterodoxy, crimes, immorality, contempt or disobedience of canons, negligence in duty, violations of the Liturgy, engaging in secular employments," &c.—(page 8.)
>
> "The proposed Bill has therefore been drawn so as not to touch the authority which Bishops have by the Word of God."—(page 12.)

My Lords, in a subsequent part of the same work, the exposition of the Bill of 1855, Mr. Stephens says, page 55—

The Bishop of Exeter

> "A Bishop is bound by his office to take notice of misconduct in clergymen, and to correct it, although there be no other accuser. A Bishop at his consecration is required to promise, 'Such as be unquiet, disobedient, and criminous, within his province, to correct and punish, according to such authority, as he has by God's Word.'
>
> "It is not proposed to interfere with such vows or duties, but only to provide an efficient means of fulfilling them."

My Lords, incredible as it may seem, the writer of this work, after making such ample admissions, immediately, in the very same breath, proceeds to take away the whole authority of the Bishops, which he declares them to have by God's Word, and to transfer it to the Archbishops. Now, when I was told that Mr. Stephens was the author of this Bill, I really did consider it impossible that that learned gentleman could willingly have drawn such a clause, because he had over and over again stated to me in communications sought by himself that, in drawing the Bill, he would take care that all the power and authority which the Bishops now possess should be preserved to them.

My Lords, I stated these matters in a letter to the Archbishop of Armagh, and, having stated them, I added that his Grace was at liberty to show my letter to Mr. Stephens, and that it was my wish that it should be shown to him. Accordingly it was shown to him; and he wrote me a letter a few days after, in which he did not deny a single word of what I had said about his promise of preserving the authority of the Bishops—a promise which was directly violated by the provisions of this Bill; he said that the clause was introduced after I had left London, and that his instructions to introduce it were imperative. In a subsequent letter to me of the same day he volunteered a promise that, "if the Bill were introduced the clause to which I had objected should be expunged;" adding, that the moment anything was decided I should be informed of it: from that time to this I have never heard a single syllable upon the subject from this gentleman.

My Lords, I must say that I do not think that a Bill of this kind can be satisfactorily conducted, when there is such utter violation of engagements made to those who are most interested in it.

My Lords, I know not that I should have thus largely dealt with Mr. Stephens's statement, had it not been for the imperative order which he received to insert the clause. I ask the noble and learned Lord, the professed author of the measure, whether it was he who gave this order? [The Lord Chancellor: I say no, I did not give the order; but I do not see any harm in it.] What the noble and learned Lord may see or think is quite another matter; my question referred only to the fact. However, the noble and learned Lord denies having given the order. Therefore, the fact stands thus:—a Bill bearing on the back of it the name of the Lord Chancellor, and introduced by him into this House, with the concurrence of his colleagues, has had a clause introduced into it, which the gentleman who drew the Bill had a peremptory order to insert; and yet the noble and learned Lord denies having given any such order! I shall not press the question further, for the noble and learned Lord appears not to like to be asked questions; but I hope the noble and learned Lord will, in the course of his reply, take that opportunity of answering the question, who gave that order?

I am aware that the noble and learned Lord objects to having this Bill designated a "Government measure," as I, in my simplicity, had designated it; he wishes rather to have the Bill described in his own words, as a "Bill to be laid on the table by the Lord Chancellor with the concurrence of his colleagues." My Lords, I could not at first devise any reason why the noble and learned Lord should object to calling the Bill, as in ordinary parlance, a "Government measure." But I think I now discern the reason. If it were a "Government measure," strictly so called, the Bill would have been, if not drawn, yet superintended by the Government officers, especially by the chief law adviser of the Crown in ecclesiastical matters; but it appears that this law adviser of the Crown was in no way intrusted with the Bill—nay, it is confidently said, in Doctors' Commons, that he never heard a word about it. I now ask the noble and learned Lord, was the Queen's Advocate consulted upon a measure of so much importance to the Church and to the State as in connection with the Church? I ask, whether that chief law officer of the Crown was consulted upon it? He is a gentleman eminent in professional learning—of great abilities—of very high character. Why was such a man not trusted with the discharge of his own duties, for the discharge of which he is undeniably most highly qualified?

My Lords, this mention of the Queen's Advocate is not foreign to the matter which I wish next to bring under the notice of your Lordships—the 16th clause—which never would have been part of any Bill which he had any share in preparing. It proposes to give a power to the Church which the Church never possessed, which the Church never ought to possess, which the Church never sought to possess, and which the Church will refuse to possess, unless it be absolutely forced upon it—I mean the power to fine and imprison for contempt. My Lords, the insertion of that clause is of itself sufficient to prove that the Bill never could have proceeded from a mind instructed in the knowledge of ecclesiastical law, much less imbued with its principles. The very constitution of the Church rests upon a power contrary to that clause. The weapons of our warfare are not carnal; the Church claims no other power than the power of the keys; it leaves to the State the power of the sword. Bracton, who was the great expounder of our common law in the thirteenth century, has laid it down that there were certain causes which could not be tried by secular courts, and certain other cases which could not be tried by Ecclesiastical Courts; and the reason was this, that the secular court possessed not the coercion necessary to give execution of a decree in an ecclesiastical matter—it has only the *potestas gladii*, while the Ecclesiastical Court possessed not the coercion necessary to give execution of a decree in a temporal matter—it has only *potestas clavium.* Now, I do not mean to say that the insertion of such a clause in a Bill, whose general principle may be good, would be a sufficient reason for refusing to the Bill a second reading, for it could, no doubt, be easily rectified in Committee; but I must think that your Lordships cannot have much confidence in one who had committed such a mistake in drawing the Bill, nor deem him qualified to deal with such matters.

But this, my Lords, is not the only clause which is inconsistent with the very principles of eccesiastical law. I will venture to call the attention of your Loadships to the 44th and 45th clauses. They relate to the case of an Archbishop or Bishop unduly refusing or delaying to institute a clerk to a benefice, and the matter being brought by appeal to the Judicial Committee. My Lords, the 45th clause empowers the Judicial Committee in such a case, if it decides for the appellant, to report to Her Majesty that she should call upon another Archbishop or Bishop, and if Her Majesty, acting on such report, shall order any such clerk to be instituted, the Judicial Committee shall signify such order to any one of the Archbishops or Bishops of England or Ireland to institute, and such Archbishop or Bishop shall immediately proceed to institute accordingly. My Lords, has ever anything so preposterous, so monstrous, before been heard of? Why is a Bishop, who has nothing to do with the case, to be compelled to violate his conscience by giving cure of souls, in another diocess, to one whom he may deem a heretic? Why is a Bishop of Carlisle to be required to institute to a benefice in Middlesex or Kent, because the Archbishop of Canterbury, or Bishop of London, may have refused to do so on grounds which the Judicial Committee holds to be insufficient? The Bishop of Carlisle may have the same conscientious scruples as have prevented the other prelates from giving institution in the same case? Why is his conscience to be coerced?

My Lords, the framer of this Bill, and all concerned in framing it, seem to have been utterly ignorant that the conferring of the cure of souls is a merely spiritual act, which cannot, consistently with the law of the Church, nor of the State, in England, be extorted from an unwilling party. My Lords, if a Bishop wrongfully refuses to institute, the only result is, that he loses his jurisdiction *pro hac vice*, which jurisdiction passes to his superior ordinary, the Archbishop. But if the Archbishop has done wrong, as he has no superior to whom his jurisdiction can pass, all that the Judicial Committee ever says, ever can say, is, "Go and do justice." The Archbishop, in such a case, is bound to reconsider the matter; but if on serious reconsideration he is still of the same mind as before, still deems the clerk unfit for the cure of souls, he can only make this return: "I have done justice to the best of my power; I have reviewed the case as you ordered; and I am brought to the same conclusion as before." My Lords, the Judicial Committee can do no more—they have done their duty, and the Archbishop has done his.

I will not dwell longer on this part of the Bill; nor should I revert to the unhappy 15th clause, had not the noble and learned Lord satisfied me, by what he had said upon it, that he has never seriously

read the Bill—at least, has not given, what he asks your Lordships this night to give to it, a second reading.

My Lords, the noble and learned Lord, in recommending the Bill this night to your Lordships, gravely stated as one ground of his recommendation of it, that "the Bishop is to decide questions of doctrine." I noted the words as they were spoken, and have therefore no doubt, either that they were spoken, or that the noble and learned Lord believes that they spoke the truth. My Lords, I confidently say, what I have before again and again said, and I refer to the words of the Bill itself for my warrant in saying it, that by this Bill "the Bishop is not to decide questions of doctrine"—that whether he shall hear them or not, depends altogether on the will of the criminous clerk and of the Archbishop.

My Lords, if such a Bill pass into a law, it will give rise to confusion and troubles, such as I cannot contemplate without dismay. The English Bishops will not, dare not, consent to it; for it is inconsistent with the Word of God. The Irish Bishops say that they will consent to it; and by so saying, they put themselves, and, as far as is within their power, they put their Church, in direct antagonism with the Church in England. My Lords, this has a very ugly aspect. I earnestly hope that those right rev. Prelates will reconsider the matter—will come to another, and I must say a better, mind. I must also say, that I am bound in charity to their Church to hope, that although they represent in this House the episcopate of that Church, they do not represent the feelings, the principles of their Church itself. For if the Church in Ireland should in any general synod, or in any other way, commit itself to the adoption of the principle which its Prelates this night have declared their intention to adopt, the Church of Ireland from that hour would cease to be united with the Church of England—would cease to be united with the Holy Catholic and Apostolic Church: for the authority of the Bishop by God's Word is the very bond of Catholic and Apostolic unity.

My Lords, there is one consideration connected with this most vicious part of the Bill which must not pass unnoticed. There was not the smallest reason whatever for introducing it, in order to accomplish the object which the mover of the Bill professes to seek. His end would equally be attained,—the improvement of the Consistorial Court would equally be brought to pass—without assailing the Divine authority of episcopacy. My Lords, this absolutely gratuitous character of the measure stamps it with a mark of very special evil. That the noble and learned Lord has no design to destroy or corrupt the Church, I must entirely believe. But, my Lords, what has been stated without contradiction this night has shown, that the noble and learned Lord does not even know the true nature of the Bill which he has introduced—that he is not, and has not been, the master of it—that there is, in short, something behind the woolsack greater than the woolsack itself.

My Lords, the very refusal to satisfy the conscientious objectors by sacrificing the obnoxious clause, or even modifying it to meet their views, is itself a most alarming fact. The Divine right of episcopacy is known to be the great principle which distinguishes the Church of England from the Protestants of Germany. These have a sort of episcopacy so called, but they renounce with absolute aversion all approximation to, and all sympathy with, ours. This attack on our episcopacy, therefore, has not an English aspect—it is German, simply, unmistakeably German. It is from the mint of Bunsen—his stamp is upon it. My Lords, I do not say that that learned, able, and, I would add, honest statesman has had anything to do with the concoction of the Bill, or is in any way cognisant of it; but I believe that some one imbued with his principles—some one who anxiously awaits the advent of "the Church of the future," has had a powerful influence in pressing this measure. My Lords, hatred of the episcopacy of the primitive Church, faithfully cherished, and valued, and represented, as it is, by our own Church, was the leading characteristic of M. Bunsen's theory. The very name of that theory, "the Church of the Future," proclaimed it to renounce all connection, as with the present, so with the past: it gloried in being neither Catholic nor Apostolic. Permit me, my Lords, to read to you one single sentence of the book, in proof of what I have said. His correspondent, a distinguished lay member of our Church, had written thus:—

> "It is in the *Episcopate, as the basis of truly apostolical institutions and discipline*, that I see the one vivid and powerful hope of our recovery. To efface, therefore, or to weaken, the defining lines of that basis, and of the little discipline now connected with it, would be, as I feel, ruin to us."

So writes the English Churchman.

> "If an angel from heaven should manifest to me that by introducing, or advocating, or merely favouring the introduction of such an episcopacy into any part of Germany, I should not only make the German nation glorious and powerful above all the nations of the world, but should successfully combat the unbelief, pantheism, and atheism of the day, I would not do it. So help me God. Amen."—*Bunsen.*

So writes the Prussian.

Such is the judgment of M. Bunsen on English episcopacy. My Lords, I do not say—I do not imagine—that all who are willing to support this Bill, will go the whole length of M. Bunsen's declaration. They will say, perhaps, that they approve of Bishops as a very useful and venerable institution, but their powers require to be altered and diminished; that, at any rate, no consideration of them ought to impede the progress of a great measure of public policy. Now, my Lords, I contend, openly, plainly contend, that such an interference with the functions and duties of a Bishop is contrary to the very principle of the Church, and therefore that this alone is a sufficient reason for which your Lordships ought not to suffer this Bill to go into Committee. There are many other reasons why the Bill should not go to a second reading, but this is the most conclusive, the most imperative: and with having stated it, I would willingly conclude.

But I should not do justice to the cause which I have undertaken to bring before your Lordships, if I did not say something of the other leading principle of the Bill before us. For, my Lords, the Bill has two objects, and might well have been divided into two. Its first object is to alter the manner of proceeding in the Ecclesiastical Courts—a very general and very indistinct description; the second is more precisely, indeed most precisely, most plainly, set forth: "It is expedient to make provision for the establishment of central ecclesiastical registries."

My Lords, of the principle of centralisation in general, I must not be ashamed to say that I partake of the dislike which is so strongly felt by the people at large. We of the provinces are not satisfied that our business may not be as effectually, as usefully performed by ourselves, as by the wisdom of the metropolis. At any rate, we will not consent to that business being dragged to London, with all the charge and vexation of such removal, unless there be a proved case, if not of necessity, at least of convenience of the most decided kind.

Now, my Lords, in the present instance, what necessity, what convenience, what shadow of convenience, can be pretended? Of the twenty or thirty sorts of instruments enumerated in Clause 84, how many are other than strictly local? Ay, my Lords, such as must be executed in the districts where the occasion for them arises? Are not marriages local? Are not ordinations local? Are not institutions to benefices local? Which of them, in short, is not local? But it has been said that the present registries are imperfect, and in a bad condition. Such may be, and, I believe, is the fact as regards Ireland; but in England, I believe that those registries have been in general very carefully and very effectually preserved. I know that they are so in the diocess of Exeter.

My Lords, the ecclesiastical instruments in the registry of my diocess date so far back as the year 1257. Why are we to be robbed of what we regard as a venerable collection of ancient precedents connected with the local and general history of our Church? Why are those things to be removed from us who value them, and to be lodged in some general depository in London, where they would be regarded as mere rubbish?

But, my Lords, there are other considerations to which I must entreat your Lordships to give your attention; and, first, to a very homely but by no means unimportant particular—the several items of expenditure to be incurred by this Bill, if it should pass into law. It is proposed by the 10th clause that advances of money for the purposes of the Act shall be made by the Treasury, upon the certificates of the Archbishop of Canterbury, York, Armagh, and Dublin, and the Bishop of London, with the sanction of the Lord Chancellor. Supposing, then, that this provision for a central office for the custody of registries were to be carried into effect, what amount of expenditure of money do your Lordships suppose would be required? I have taken the trouble to make some inquiries upon this subject, so far as concerns the instruments in my own registry. My Lords, I am informed by my registrar, a gentleman entitled to all credit, that a building suitable to the accommodation of the registries of the diocess of Exeter alone should contain 900 feet square, and be of considerable height! Suitable accommodation must be made for twenty-eight registries for the twenty-eight diocesses of England and the Isle o. Man, with suitable chambers for the four chancellors, for their clerks, and for all the officers and servants employed. These several registries must be effectually separate, must be not only air-tight and water-tight, but fire-proof, and otherwise well fitted for the preservation of very perishable documents. The building which is to contain them must be built in a convenient part of the metropolis, purchasing the site and the various houses or warehouses by which it is at present occupied; and it must be, I will not say sumptuous, I will not say highly ornamental, but decent, handsome—such, in short, as the people of England would think that a public building in England ought to be. Now, my Lords, I ask your Lordships, who are much better judges than I can be, whether such a building can be provided at a cost of less than £100,000? But this is not all. There is another registry to be erected in Dublin, sufficient for the separate registries of the twelve diocesses in Ireland. This cannot be estimated at less than £20,000, and I am only afraid that the right rev. Prelates of that country will think me very niggardly in my allowance to them. But I take the whole amount on this very moderate calculation of £120,000.

Now, my Lords, I can have no doubt that the noble and learned Lord on the woolsack, having obtained the concurrence of his colleagues when he laid this Bill on your table, had specially called their attention to the question of expense. This is a matter which must have had the best consideration of the First Lord of the Treasury and of the Chancellor of the Exchequer; and yet, my Lords, I much question whether, when the matter shall come to the pinch, they will be found to carry their concurrence with the noble and learned Lord so far as he would wish, so far even as the promise of concurrence might seem to imply.

For, let us look to the matter a little more particularly. The 10th clause orders "The Lords Commissioners of Her Majesty's Treasury to advance from time to time such sums of money as four Archbishops and the Bishop of London may require for carrying into effect the purposes of this Act." This is a clause which the wholesome jealousy of the House of Commons will not suffer to appear in any Bill which your Lordships may send down to them. But this difficulty, we shall be told, is easily got over. The clause will be struck out in Committee, and will be replaced on the Motion of one of the noble and learned Lord's concurring colleagues, when the Bill shall be considered in the other House. Will it, indeed? My Lords, I am not so sure of this—and I will fairly tell you why. I have not the smallest doubt of the faithfulness of the noble and learned Lord's noble and right hon. Colleagues in the House of Commons, to the promises they have made to him—and I have as little doubt of their courage in acting on those promises. But then that faithfulness, and that courage, must be under the implied restrictions and limitations imposed by common sense. Now, my Lords, I can picture to myself the noble and learned Lord calling on the noble Leader of the House of Commons to reintroduce the 10th clause in Committee in that House. That noble person is known to be a man of courage, and, I need not say, of rigid honour. The noble and learned Lord would appeal to those feelings—would urge his concurrence in the Bill before us—would, in short, press him on the matter, as Lady Macbeth pressed her lord—and I have no doubt whatever that the noble Premier would answer, as Macbeth answered—

> "Prithee, peace;
> I dare do all that may become a Minister,
> Who dares do more"—*will soon be none.*

My Lord, that answer would seem to me a very constitutional, as well as discreet, answer.

Next comes the noble and learned Lord's Budget—his Estimates and Ways and Means for carrying the measure into effect. The noble and learned Lord was here very uncommunicative. He gave us no statement of his own; he referred us to the information which he had received. That information is contained in the official exposition of the Bill by the framer of it (Mr. Stephens); to a few particulars of which I now invite your Lordships' attention.

Mr. Stephens enumerates various items of charge, but to only one of them does he annex an estimate—that one is the salary of forty secretaries for forty Bishops—and he estimates it at £6,200 per annum, or £155 per annum for each. The noble and learned Lord is less illiberal, and, permit me to add, less unreasonable. He is willing to allow—I am afraid there was a condition annexed, if the funds will permit it—£200, or even £300, for each.

My Lords, if the qualifications and duties of a Bishop's secretary be considered, I cannot think that even the extended allowance of the noble and learned Lord's £300 per annum would give us the aid of such a legal adviser and assistant as we ought to have, and as we now have. My Lords, a Bishop's secretary and registrar—for the offices commonly go together—is a solicitor, one of the leading members of that profession in the cathedral city. I cannot see why the services of such a man are to be remunerated with a smaller salary than those to be paid to the clerks of chancellors under this Bill; in other words, £600 per annum to each. I will, however, take the salary at somewhat less; let us say £500 a year for every one of the English secretaries, £300 a year for the Irish—I hope the right rev. Prelates from that country will pardon the difference—and £200 for Sodor and Man. The sum total would be £17,300, that is, about £11,000, or, on the noble and learned Lord's showing, £5,700 more than the estimate of Mr. Stephens. It is proposed that the Treasury shall make the required advance upon the security of marriage licences and other fees; so that the interest and sinking fund, taken at 6 per cent on the £120,000 to be advanced for building, would be another item of charge altogether omitted by Mr. Stephens, amounting to £7,200 per annum.

My Lords, the other items of charge enumerated by Mr. Stephens, but without an estimate, and various necessary items not enumerated by him, have been estimated by me, and I cannot deem it possible that they can amount to less than £10,000 per annum. There must be two registrars, advocates or solicitors, who must give up their profession and devote themselves to their registries. They must have clerks, messengers, and other officers, an establishment to take proper care of the costly buildings—there must be insurance, gas rates, water rates, rates of every kind—last and not least, the annual repairs of such structures as I have described. I am sure that no one who takes the trouble of estimating these matters will think £10,000 per annum sufficient: in short, there must be an annual cost to the country of £48,900 a year.

Now, let us see in what way Mr. Stephens proposes that this sum is to be raised; what are his ways and means? He calculates that there will be 20,000 marriages annually, which, at 25*s.* for each licence, will yield, he says, £29,500, but which the more vulgar arithmetician, Cocker, says is only £25,000—in other words, abstracting from Mr. Stephens's "supply" £4,500 per annum.

Next, Mr. Stephens takes credit for £19,715 per annum, being fees arising from licences, or other instruments, paid by the clergy, who are, in England, Mr. Stephens says (and I do not dispute his accuracy on this point), about 18,000. My Lords, my diocess has a more numerous clergy than almost any other—they exceed 900—so that a twentieth part of the clergy of all England are in my diocess. Mr. Stephens calculates that the fees paid by all (as I have said) will amount to £19,715, the twentieth part of which, or £985, would be paid by my clergy. But, my Lords, I have ascertained that the actual amount of those fees would not exceed £527, which sum, multiplied by 20, would make the fees, calculated by Mr. Stephens at £19,715, to be only £10,540, which, added to the £25,000 for marriage licences, would give a gross total of £35,540 as the ways and means wherewith to meet an annual expenditure of £48,900! Well, I can only say that if Mr. Archibald John Stephens can make £35,000 a year do the work of £48,000, he ought not to be left to the humble duties of "Chancellor of the Church of England and Ireland." Make him Chancellor of the Exchequer. Talk as you will of your Gladstones, your Disraelis, your Cornewall Lewises; give me Mr. Archibald John Stephens. He can make £35,540 a year do the work of £48,900.

My Lords, I have done with the financial part of the measure, and turn to some other of its provisions. The Act provides, that every ecclesiastical instrument is to be prepared in the chambers of the four chancellors, and is to be authenticated by the signature of one of the four; that is to say, no Bishop is to do any one single episcopal act without a stamp, and the written *exequatur* of one of the chancellors. In the very words of the Bill, this board of four chancellors is "to superintend and control" every official act of the Bishops. We are to be placed under the absolute dominion of those four men. No letters of orders, no institution to a benefice, no licence to a curate, are in future to be issued by the Bishops until they have first received the stamp and authoritative approbation of one of these four chancellors! My Lords, will Parliament, will the country, endure this shameless attempt to degrade the episcopacy of England and Ireland? To make the Church a mere bureau? Why is it proposed to do this? What existing and known evil is to be remedied? Has such an Act been rendered necessary by the notorious, or suggested, or even surmised, abuse of the power or authority of the Bishops in those matters? I have never heard of a complaint on the subject. I have been a Bishop for more than a quarter of a century, and never once have I heard it so much as whispered that those instruments and forms which have been preserved unchanged for centuries, had become, from any cause whatever, in the least degree liable to the objections suggested, or rather supposed, by the noble and learned Lord. My Lords, there is no need of mincing the matter; in plain English, this Bill is a patent, undeniable, downright job. Is it not apparent on the very face of the Bill? Why is it proposed to submit every episcopal act to those chancellors? It is, that they may have the semblance of having something to do: there must be some work assigned to them in order to justify the salary of £3,000 a year to each of them? Oh, but we are told that those chancellors are to assist the Bishops in "hearing causes." Well, what is the number of those "causes"? My Lords, it appears from regular returns, that the average number in England and Ireland does not exceed six in any one year, so that upon that calculation each of these four chancellors would receive £3,000 a year for doing what? For trying—assisting the Bishops in trying, in every year, a cause and a half each! Well, my Lords, if in deference to the wish, or authority—I cannot call it reasoning—of the noble and learned Lord, your Lordships shall be induced to pass such a Bill, we Bishops must be content to look for justice at the hands of the House of Commons. It does not require any great stretch of foresight to pronounce beforehand the certain fate of the Bill in that House. But if there were any danger of its becoming the law of the land, there would still be one consolation left to us—it would be absolutely, morally, nay, physically impossible, to work it out. And here, my Lords, I am reminded of a passage at arms, an intellectual digladiation, which was presented to us a few nights ago by the right rev. Prelate at the table (the Bishop of Bangor) and the noble and learned Lord on the woolsack.

My Lords, my venerable and very acute Friend was pleased to apply a good many epithets to the Bill, some of them rather strong—stronger certainly, I will not say than the Bill deserves, but than I am inclined to use. I content myself with the two epithets which the noble and learned Lord selected, and on which issue was joined. The right rev. Prelate called the Bill visionary and impracticable—the noble and learned Lord undertook to prove the contrary.

Now, my Lords, I cannot but say that I think the right rev. Prelate was right, that the Bill is visionary and impracticable, and that on the noble and learned Lord's own showing. I do not mean that the noble and learned Lord's speech showed this, but I must contend that the Bill itself shows it.

My Lords, if your Lordships will look at the 48th clause you will see that, "from the time when this Act shall come into operation, the chancellors shall sit at chambers in London or Westminster, and Dublin, to superintend and control" the acts of the Bishops.

Well, my Lords, but these chambers cannot exist till long after "the time when the Bill shall come into operation." By the 27th clause, the four Archbishops and the Bishop of London are to "build, purchase, or otherwise provide lands and buildings for the ecclesiastical registries, and provide chambers for the chancellors under this Act." These five prelates are to "take and purchase, and hold lands, tenements, and hereditaments for these purposes, as a body corporate, which they are constituted to be by this Act."

In short, my Lords, the Act must be in operation before the buildings can be erected; and yet, as soon as the Act comes into operation, these buildings must be actually in use. My Lords, extraordinary as all this may seem, it is not without precedent. Before the Union, a Bill passed through the Irish Parliament for the highly useful purpose of providing a thoroughly good county gaol; and so cautious were the framers of the Bill to unite economy with security, that they provided that the old gaol should continue to be used till the new gaol was built, and at the same time that the materials of the old gaol should be employed in building the new. My Lords, I have here furnished the noble and learned Lord with what is always highly prized in the court over which he so ably presides—a precedent. But, valuable as it is in Chancery, it is not always equally so in legislation. The precedent which I have adduced will not take the Bill out of the category of "visionary and impracticable" in which my right rev. Friend placed it, and out of which the noble and learned Lord does not appear to me to have succeeded in his attempt to rescue it.

I say, then, that the Bill is, as the right rev. Prelate characterised it, visionary and impracticable—that it presents a case not for legislating, but for conjuring. The noble and learned Lord must enact the part of Merlin. The buildings necessary for the operation of the Bill cannot be erected unless by magic. Unless they rise into existence at the waving of the wand or of the mace of the mighty magician, the wizard of the woolsack, the Bill, even if it pass into an Act, must be a mere blank, a few sheets of waste paper.

My Lords, I have trespassed much longer on your Lordships' time and patience than I originally intended; but I have felt, as I went on, that the very great importance of the measure warranted me in doing so; and I am not ignorant that my right rev. Friends and myself are struggling against fearful odds. I am aware that we have to contend against the whole weight of Government, which has adopted this Bill as its own. I am aware, too, that we have not the support which Bishops, in defending the highest, the most sacred interests of the Church, might not unreasonably, perhaps, have expected, from what is commonly called the Conservative side of the House. The noble Lords who sit on that side will forgive my asking, what object is worthy of being conserved, if the Church is not? If the maintenance of the episcopacy of England is left to be an open question, what is the principle of their party?

And yet, my Lords, amidst all these discouragements, we are not absolutely without hope; though cast down, we are not in despair. We have still allies, in whom we have unshaken confidence—we have reason, and we have a humbler, but still a stubborn, band—we have the whole array of facts and figures on our side. Trusting to these—still more to the high and generous feelings of British Peers, on whatever side of the House they may be ranged—above all, trusting in Him for whose own cause (we humbly believe) we are, with whatever mixture of human frailty and human error, faithfully contending—we shall go to the vote this night without dismay.

THE BISHOP OF BANGOR :* My Lords, after the powerful and unanswerable speech of my right rev. Friend (the Bishop of Exeter), exhausted as I am, at my age, with sitting so many hours waiting for an opportunity of addressing your Lordships, labouring under an attack of cold and hoarseness, and knowing how eager the noble Earl behind me is to come to the rescue of the noble and learned Lord on the woolsack, nothing but a strong and overpowering sense of duty, not to myself only and your Lordships, but to my Sovereign and the country at large, could have constrained me to obtrude myself on your Lordships at this hour, and under these unfavourable circumstances.

I am sorry to say, that I am compelled to begin with complaining of an attack and insult, not only on my rights as a Member of this House, but upon your Lordships' privileges and honour, by the wilful suppression in the Minutes of the Motion that I made, after putting my question to the noble and learned Lord (or, as I was instructed by him to word it, the Government). That Motion was—

> "That the Report made to His late Majesty by the Commissioners appointed to inquire into the practice and jurisdiction of the Ecclesiastical Courts of England and Wales should be laid on your table."

Upon my making this Motion, the noble and learned Lord said, "The Report is on your table," by which he meant, that because it was laid on your table in 1832, therefore it was still lying there. This ingenious fancy, however, was at once scouted and repudiated. I again made my Motion, and, after I had stated to your Lordships the reasons which had induced me to come forward on this occasion, and my object in doing so, the Motion was put and carried in the affirmative, and I then expressed a wish that as many copies as could be found in the stores of the House might be laid on your table, in order that every noble Lord who thought fit might have an opportunity of reading it. Upon this, my right rev. Friend (the Bishop of Exeter) moved that the Report should be printed, and it was, I believe, arranged that, in case a sufficient number of copies were not forthcoming, it should be again printed. To my great surprise, I found that all notice of the Motion that I had made was suppressed in the Minutes of the day, though the Bishop of Exeter's Motion was printed as usual. I made my complaint to the House, when the noble and learned Lord told me, with singular coolness and nonchalance, that it was no business of his. This seemed extraordinary, as it appeared to me that the noble and learned Lord, both as a Member of Her Majesty's Government and as Speaker of your Lordships' House, was bound to inquire into and expose such unheard-of proceedings. My noble and learned Friend, the Chief Justice of the Court of King's Bench wished to persuade me that, as I had gained my end by the Bishop of Exeter's Motion, it would be better to drop all further notice of the matter. But I entirely differed from my noble and learned Friend. My object was to learn how this audacious fraud had been committed, in violation of your Lordships' rules and privileges. But no inquiry has been made, no explanation has been attempted; not even an order was given to insert my Motion in the Minutes of the following day.

I returned home somewhat surprised at the scene I had witnessed, and wondering that my noble and learned Friend, the noble and learned Lord on the woolsack, and my noble Friend the Chairman of the Committees, still seemed to cling with fondness to the strange chimera before mentioned. I felt confident that there must be some very easy and simple means of solving this mystery. It then occurred to me, that when a dissolution of Parliament took place, your Lordships were no longer Peers of Parliament, your legislative and judicial functions ceased and determined; that there was no longer a House of Lords, nor, consequently, a table; and that when Parliament was summoned to meet, and your Lordships, after passing through the usual forms and ceremonies, constituted a House of Lords, your table was as bare as it was when it was sent from the cabinet-maker's workshop.

It then occurred to me that the notice which I had given of the question that I proposed putting to the noble and learned Lord, had not been printed in the Minutes. I had placed that notice in the hands of the Clerk of Parliament, having been instructed by the noble and learned Lord to substitute for the old form—to ask the Government. This seemed to me to be the latest and most approved method of shifting off personal responsibility, and throwing the burden on this mysterious and invisible personage. The question, however, which I put was,—"Is it the intention of the Government to persist in calling on the House to give a second reading on the 21st of April to a visionary and unintelligible, an impracticable and costly measure, called in the printed Bills, 'A Clergy Discipline Act?'" Such language, doubtless, was highly offensive to the delicate nerves and sensitive feelings of that mysterious personage; but with me these words were the courtly, silken, and oily phrases which I was constrained to employ in compliance with Parliamentary usage and decorum. The dark and secret agent, however, was at work. The notice which I had given was suppressed; and in lieu of it, in an obscure part of the Minutes, where no notices except about appeal causes are, I believe, inserted, appeared in small type the following notice:—

"The Bishop of Bangor to put a question to the Government respecting the Clergy Discipline Bill."

It is evident that these suppressions have been made and these falsifications of your Minutes carried on under the direction of some crafty and reckless agent, whose commands could not be resisted. But as this is not so much mine as your Lordships' affair, I leave it in your hands.

I had hoped that after the statement which I made to your House of the reasons which had induced me to come forward on this occasion, and my object in coming forward; after the Motion that I made, which was carried in the affirmative, and after my notice had been published in the Minutes of the House, your Lordships would have been sufficiently acquainted with these matters. But as great pains have been taken to conceal from your Lordships all that I have said and done since I presented myself to your notice, I am compelled to offer a few words in explanation.

It happens, since my right rev. Friend (the Bishop of London) is prevented from taking part in the business of the House, that I am virtually the only survivor in the House of the Commissioners appointed for this object by George IV. and William IV.

About twenty years have passed away since I last read this admirable Report. But the impression remained firmly fixed in my mind, that if the recommendations contained in it were carried into effect, the existing Diocesan Courts can carry on the testamentary and matrimonial business of the country in a way satisfactory to all suitors.

It is no agreeable task for one of my years, who had never been accustomed to put himself forward, but had left the management of those matters regarding the Church, in which he felt a common interest, to the talents and eloquence and judgment of his distinguished brethren, who could command your Lordships' attention; for one who had recently recovered from a long and serious illness, and who feels great abatement of bodily power and activity, to find himself constrained to come forward and to bespeak your Lordships' patience and attention. But when I am called to discharge a solemn and sacred duty, to paint in its true colour the most odious, the most oppressive, and the most cruel scourge that any Government ever attempted to inflict on a suffering country, I have no choice left; I must follow up the course that is prescribed to me without fear or hesitation; and I trust I shall be able to prove that these Diocesan Courts, which it is proposed to sweep away from the face of the earth, are, if the recommendations of the Commissioners should be adopted, fully equal to the discharge of their important functions.

It has been the more necessary to state these facts, because I am convinced that owing to this systematic suppression and falsification of your Minutes, few noble Lords had any notion when they entered the House of the real nature of the Bill to which they were invited to give a second reading.

But before I proceed to call your Lordships' attention to the main object, it will be necessary to give your Lordships an outline of the history of this Report—of the cruel, unjust, and shameless caste job which was smuggled into it in the eleventh hour, when my right rev. Brethren and myself had long before returned to our dioceses, under a full conviction that every thing had been finally settled and arranged, and that the learned members of Doctors' Commons had remained at their post to superintend the drawing up of the Report, and to prepare it for being signed and presented to His Majesty early in the following year. At this time we, the four diocesan Bishops, received a private and confidential letter from Dr. Lushington, stating that as the business in Doctors' Commons was not sufficient to give employment to an efficient bar, it was desirable that the jurisdiction of the Diocesan Courts should be abolished, and the whole business transferred to the Provincial Court. Deeply did I lament that a gentleman, with whom I had been some time acquainted, with whom I had sat for two seasons on this Commission, and whom I had always considered as a man of independent mind and perfect integrity, should have ventured to offer such a suggestion. However, I as well as my brethren, thought the proposal too shameless to be entertained for a moment by the other distinguished members of the Commission, and consequently took no notice of it. But, alas! we little knew what strange fascination a caste job has over the minds of the most honourable members of that caste. When I came to London, not long before the Report was signed and presented to His late Majesty, I found that this audacious infraction of truth and justice and good faith had been smuggled into the Report by the learned Commissioners; that the recommendations which had been agreed to for very different purposes, had been twisted by a very clumsy legerdemain to accommodate them to this new device; and that, since its real object could not be avowed, the reasons alleged for it were altogether deceitful and false.

My right rev. Brethren, however, and myself, agreed that we would not withhold our signature from a Report containing so many valuable recommendations and suggestions, and such stores of ecclesiastical knowledge, but would take an early opportunity of exposing and getting rid of the job. That opportunity, however, never occurred. The Report was signed on the 15th of February, 1832, and received by the Lord Chancellor on the 16th.

Your Lordships are aware that this was the time of the first fervour of the Reform measure. It was known that certain Members of His Majesty's Government were employed in preparing the first edition of that celebrated Bill; and on the 1st of March following, the noble Lord who had the charge of it made his first Motion for leave to bring in the Bill. For some years after this the country was in such a turbulent and distracted and dangerous state, that no man had a thought to bestow on Ecclesiastical Courts and jurisdiction. The Report was laid aside and forgotten.

At length, however, in the year 1836, the late Lord Cottenham, who then held the Great Seal, brought in a Bill including the Doctors' Commons caste job, which received a first reading, and was referred to a Select Committee. Bishop Van Mildert had died early in that year, but I agreed with my brethren of Lincoln and St. Asaph, that that was not the place for bringing forward our complaint. We reserved it, therefore, for a future stage of the Bill. But here the noble and learned Lord stopped short—the Report was never brought up, and no further mention was made of the Bill.

The noble Lord was then projecting another caste job. A Commission was issued to certain lawyers of the Chancery and Common Law Bars, to inquire into the same facts which had been already thoroughly inquired into and investigated. I am not aware that those learned gentlemen threw any new light upon the subject; but they of course came to one conclusion, that Ecclesiastical Courts were a nuisance which ought to be abated, and the whole testamentary business transferred into the more efficient hands of Chancery and common lawyers.

This, however, like other Reports, was soon laid aside and forgotten. Hon. Members of the other House were often loud in their outcries against peculiar jurisdictions, but it does not seem to have occurred to them to ask why these jurisdictions had not been abolished—for if the business of the country had been conducted in a business-like manner, they would have been long since superseded.

Since the noble and learned Lord has held the Great Seal, he has, I believe, favoured your Lordships with two or three varieties of caste jobs, which have passed rapidly through their several stages in the thin Houses of the early part of the Session; have been passed and sent to the Commons, where it was well understood that they would make no further progress.

I now come to the consideration of the object I have in view; to prove to your Lordships that, if the recommendations of the Commissioners should be carried into effect, the Diocesan Courts are fully equal to carry on the testamentary and matrimonial business of the country in a simple, inexpensive, and satisfactory way. But here I must entreat your Lordships not to confound the Report itself, as it was agreed to by the whole body of the Commissioners, with the shameless caste job which was smuggled into it by the gentlemen of Doctors' Commons. The first object of the Commissioners was the putting an end to the jurisdiction of a number, amounting to nearly three hundred, of the courts called Peculiar. It appears that in 1812, Sir W. Scott, then Dean of the Arches, introduced and carried through the House of Commons a Bill for the regulation of Ecclesiastical Courts, one principal clause of which provided that the power of hearing and determining causes of ecclesiastical cognisance should be exercised only by Ecclesiastical Courts sitting under the immediate commission and authority of Archbishops and Bishops, and not by inferior or other Ecclesiastical Courts. This Bill was unfortunately dropped in your Lordships' House.

So the matter has stood till the present time.

When considering the question of regulating and limiting the jurisdiction in testamentary and matrimonial matters, the first difficulty that met the Commissioners was this law of *Bona Notabilia.* The provisions of this law were so little known, that it often happened that after the executors had taken out probate, and gone through the necessary forms, it was discovered that the testator possessed property in another county, and the executor was compelled to go through the same process a second time, at a great expense, in the Provincial Court.

It appears to me, however, that such a vast accession has been made to the testamentary business of the Prerogative Court since the year 1832, through the numerous policies of life assurance now effected in London, shares of joint-stock companies of various kinds, and in the great arterial railways which terminate in the metropolis (and probably there are many other sources unknown to me), that the law of *Bona Notabilia* ought to be repealed without delay.

The state of the greater number of the Diocesan Courts was such in 1832, that though it was confessed that in many of the larger dioceses no fault could be found with the decisions of the Courts, still it was thought fit to recommend that the contentious business of the Diocesan Courts should be removed to the Court of Arches. But the case is now greatly altered. The chancellors of the greater number of the dioceses are fully competent to discharge their duties, and it would be unjust to deprive the inhabitants of so many dioceses of the benefits of a domestic tribunal, because there are still a few cases of incompetent Judges. Some provision may easily be made for supplying this defect. Should the parties be dissatisfied, they may remove their suit into the Court of Arches by letters of request.

It was for these reasons (I cannot recollect the precise words of the recommendation, but this is the substance of it) that the Commissioners recommended the suppression of the jurisdiction of the inferior courts, and that the whole of the business, testamentary and matrimonial, should be confined to the Diocesan and Provincial Courts.

Of the satisfactory manner in which the testamentary and matrimonial business of a diocess is carried on where no obstructions are occasioned by peculiar jurisdictions, I can speak with confidence. In my diocess, where there are no peculiars, the Diocesan Court has been able to carry on this business without any obstruction. The diocess is long and straggling, containing large masses of mountains, in the glens of which, owing to the opening of mines and quarries, new populations are constantly springing up, sometimes not within ten miles of a church.

In the diocess there are twenty-one surrogates, whose names and places of abode are well known to their neighbours. Marriage licences, probates, and letters of administration, may be obtained through a surrogate, or at the registrar's office. The parties need not necessarily attend at the office. Indeed, probates and administrations may be obtained without attendance either upon a surrogate or at the registrar's office, if the parties choose to go to the expense of a commission, the cost of which is about one guinea.

The next part of the inquiry to which I must draw your Lordships' attention is the alteration of the testamentary law suggested by the Commissioners. The value of these suggestions is proved by this fact, that an important part of them have been adopted in the Act relative to wills, known as Lord John Russell's Act.

They recommended that all wills, whether of real or personal property, should be signed by the same number of witnesses, and proved in the same courts. That *vivâ voce* evidence should be admitted and trial by jury. That in certain cases the Judge should allow evidence to be taken by commission.

The whole question regarding these proposed alterations in testamentary matters, is argued at great length by the learned Commissioners. Admitting that cases may have occurred in which the admission of unsigned and unfinished and imperfect papers may have been of some advantage to the claimants, they have shown clearly the vast superiority of the suggested alterations to the former practice.

Were it possible to conceive that the three-headed monstrous jobs, which the noble and learned Lord has told us form one measure, could have become part of the law of the land, no person possessed of small property would have bequeathed it by will. If a will had been made before the measure came into action, no executor would have proved it, no one in cases of intestacy would have taken out letters of administration. The family would have divided the property in the best manner they could.

The same would have been the case had the Doctors' Commons caste job become the law of the land. It was well known that such a measure had been smuggled into the Report, and this occasioned much alarm and distress in my diocess. But I took care that my neighbours should be informed that such a cruel and unjust job could never be sanctioned by either House of Parliament.

There are few, probably, of your Lordships who have not succeeded to that kind of property which made it necessary for you to prove the wills of those whom you represented in the Superior Court; few who would not prefer carrying out your business as executors in the metropolis. Your Lordships, therefore, are probably little acquainted with the feelings of that very numerous body of your fellow-subjects who have small properties to bequeath, and of those who have to prove the wills of near kinsmen or friends, or to take out letters of administration.

But the case is very different with a country population. Even with the humblest of those who do not receive parish relief, and possess any little property, to make a will is a main object of their wishes and ambition. Few, comparatively speaking, of those so circumstanced, die intestate. The same wish and the same desire of having within reach the means of accomplishing their wish, without needless delay or expense, extends to those whose concerns are more important, and their property larger. So likewise the executors of wills in every diocess of England and Wales, know where to apply for probate and obtain it, without much trouble or expense. With equal facility letters of administration, in the case of intestates, may be taken out by the next of kin. But the effect of the odious caste jobs which I have mentioned, would have been to deprive thousands and ten thousands of our fellow-subjects of these their just rights and privileges.

The Bishop of Bangor

Whilst justice has been, so to speak, brought home to every man's door by the establishment of County Courts, the object of all these jobs has been to introduce a frightful system of centralisation, without a show of benefit to any except those who hoped to partake of the spoil.

I have stated that, in my opinion, the Diocesan Courts are competent to carry on the contentious business of the dioceses. There is, however, one exception. It is necessary, I think, that in all causes relating to adultery, divorce, and other similar matters, the inquiry should be removed at once into the Superior Court, and that no sentence of divorce *a mensâ et thoro* should be pronounced in the Diocesan Courts. It would be sad, indeed, if our Diocesan Courts, and those who frequent them, should be exposed to the pollution which such causes always engender. Such inquiries should always be attended with as little publicity as is consistent with the ends of justice and the execution of the law.

We earnestly deprecate the establishment of what have been called Divorce Courts, and giving any increased facility to divorces. Marriage has been already desecrated by recent Acts of Parliament. Marriages may now be celebrated before one of the district registrars, without any reference to its religious character and obligation. The Act which was carefully framed to prevent clandestine marriages, has been nullified by allowing banns of marriage to be published before the guardians of the poor law unions. The Act which required that all marriages should be celebrated *in facie Ecclesiæ* between the hours of eight A.M. and noon, is easily eluded. That publicity which has always been considered an important element in Christian marriages is no longer necessarily given them.

There are many recommendations in this Report relative to the working of the

Superior Courts, remedying the delay and expense often complained of, and carrying on the business with greater dispatch, which well deserve attention, and which, no doubt, the members of that learned body will be ready to adopt. But these form no part of the object I have had in view.

This object I have now completed. I have shown, I trust, that the Diocesan Courts are fully equal to the discharge of their duties, not only without any organic change, but without material change or interruption; that the surrogates and registrars know their duties, and that there is no need, as under all those caste jobs, of compensation to superseded officers.

This, indeed, is a sufficient reason for rejecting the Bill to which your Lordships are now invited to give a second reading; this monstrous abortion of audacity and ignorance, miscalled a Clergy Discipline Bill. Its only object seems to be to provide large salaries with little business for the sons, and nephews, and grandsons of some future Lord Chancellor. To this the principles of truth, and justice, and good faith, and the happiness and interests of thousands and ten thousands of our fellow-subjects are to be sacrificed, as matters of no weight or moment.

I now conclude, under a strong conviction that your Lordships will give your firm and decided support to the Amendment moved by the most rev. Prelate, "That this Bill be read a second time this day six months."

The Earl of HARROWBY said, that the speech of the right rev. Prelate who spoke fourth in this debate (the Bishop of Exeter) was calculated to excite in their Lordships the liveliest apprehensions. When he heard him use words of such portentous import, that their Lordships might apprehend they were all to be excommunicated in turn if they assisted in passing this Bill, he was rather curious to discover the occasion of such a portentous menace. Their Lordships would hardly believe that this most fearful apprehension arose entirely out of a small passage in a single clause—the 15th. And all that the offensive clause was intended to do was to enable any party to transfer his cause, if he thought fit, from the court of the Bishop to that of the Archbishop. Perhaps the clause was not well worded; perhaps it did not effect the purpose contemplated; but it certainly did appear to imply an intention not to do away with any jurisdiction which was already vested in the Bishops. The words relative to the Archbishop were, that he might take jurisdiction of any causes removed from the court of the Bishop, "as he might have done by virtue of any statute or law before the passing of this Act." Be the effect of that provision what it might, it at all events showed that the intention of the Bill was to give the Archbishop no other power than he had at the present time. That, then, was the head and front of their offending. Yet the right rev. Prelate said that these simple words, which were intended to convey no new power, destroyed the whole of the catholicity of the Established Church; and, in fact, would subject the whole of their Lordships to the ban of excommunication. The only other point in which he could see anything at all bearing upon this question, was something about the Archbishop; or rather, he thought—for it was difficult to remember so long a speech—it was an allegation of the attempt to transfer the jurisdiction of the Archbishop to the Crown. Yet, as he (Lord Harrowby) understood him, the right rev. Prelate, at the same time that he raised the objection, admitted that it had been removed. The letter of the most rev. Primate stated, on the part of the English bench, three objections to the Bill of last year, all of which had been duly considered in framing the Bill now before the House. The objection which he had already noticed on the 15th clause, Her Majesty's Government had attempted to remove by the introduction of the words into the clause to which he had already drawn attention. The second objection, which charged a tendency in the Bill of last year to transfer the jurisdiction of the Archbishop to the Crown, was admitted by the right rev. Prelate to be entirely removed by a clause in the present Bill. The only other objection which he raised to the Bill of last year applied also to the Bill before the House, and rested on the preference of the right rev. Prelate for another mode of dealing with the court of appeal than that proposed by this Bill. To the mode which the right rev. Prelate himself suggested there was this radical objection, that it gave the go-by to the supremacy of the Crown; and to a measure having such a tendency he was sure their Lordships would never agree. The whole of the objections, then, of the English bench of Bishops were reduced to these three, of which the first was founded on a mistake of the intention of the Bill, the second had been removed, and the third such as he hoped their Lordships would not approve. The right rev. Prelate seemed to think that the Government had introduced this Bill wantonly, and without the existence of any necessity for action; and that, in fact, it was a piece of amateur legislation. But he begged to remind their Lordships that the Royal Commission, which reported in the year 1832, pointed most distinctly to the necessity of such a measure, and that, ever since, Parliament had been endeavouring to meet the acknowledged evils of the present system. The right rev. Prelate had referred to the registries; but it appeared by the Appendix to the Commissioners' Report that some of these registries were not fire-proof, and that others were located in private dwelling-houses, and were exposed to the risk of destruction. The main purport of the Bill was to reform the mode of procedure in reference to the matters with which the Bill dealt, and surely it was most desirable, when reforms were being carried out in testamentary jurisdiction and other matters, that these important subjects should not be overlooked; moreover, the people were not so well satisfied with the existing state of things as to render it even possible to leave these existing jurisdictions all over the country. Let not, then, the right rev. Prelate treat the Bill as an uncalled-for piece of legislation, having no other object than to destroy the catholicity of the Church. There were no objections urged against the Bill which might not be dealt with in Committee upstairs; and, as he believed the measure would effect a great deal of good, he hoped their Lordships would give it a second reading.

The Earl of DERBY said, the right rev. Prelate who had with such power of reasoning opposed the second reading of the Bill (the Bishop of Exeter) might or might not have been mistaken, when he said that Government had made great efforts to surround themselves with friends; but judging from what now appeared, the right rev. Prelate must have been mistaken, or else the Government possessed a smaller number of friends than he gave them credit for. The right rev. Prelate was correct in his statement with regard to the absence of ordinary support from his (the Earl of Derby's) side of the House. He frankly declared that he looked upon this question least of all others as a party matter, or as one that ought to be treated with any kind of party feeling. He had come down to the House with the earnest desire to hear the arguments for and against the Bill, with a mind perfectly unpledged to any course, or rather with a leaning towards a desire to support, if possible, the second reading of the present Bill. He freely admitted to the noble Lord who had just sat down (the Earl of Harrowby) that the present state of Church discipline was by no means such as to give satisfaction to the friends of the Church. The procedure for the correction of clergymen who misconducted themselves was most complicated, dilatory, and expensive in its character; and the Bishops of the Church laboured under the disadvantage of having worse than an Egyptian taskmaster placed over them, for they were held responsible for the conduct of the clergy under their charge, and yet the jealousy of Parliament studiously abstained from granting the powers necessary for the carrying into effect an authority, which, nevertheless, the Parliament required to be exercised. Therefore it was a matter of importance that, if possible, some measure on this subject should be passed; but at the same time, any measure which the Government might introduce ought at least to be effective for its purpose. He had come to the consideration of the Bill, with an earnest desire that he might find in it nothing in principle so objectionable as to compel him to dissent from it, however there might be matters which might require modification in Committee; but he must confess, that after listening to the speech of the noble and learned Lord by whom it was introduced, and the answer given to it by the right rev. Prelate, he had reluctantly come to the conclusion that its intrinsic and inherent faults—arising, perhaps, from the nature of the question—were such as to give little or no hope that any alterations which might be made in Committee could make it satisfactory either to the Church or the public. Another inducement in his mind to desire the success of the Bill was, that it went to establish a uniformity of discipline between the Churches of England and Ireland, which, though not absolutely essential, was a great matter for the security of the two branches. That important principle was recognised by the Bill; and he thought it was a great matter towards accomplishing such uniformity that there should not only be a unity in doctrine and discipline, but that an ultimate court of appeal should be provided for both. If his objections to the Bill were confined only to the now celebrated 15th clause, he should not have thought them a sufficient reason for refusing to go into Committee, although he agreed with the right rev. Prelate that that clause did interfere with the authority of the Bishops by giving the Archbishops an original instead of only an appellate jurisdiction. He also objected to the 44th clause, which provided that when the Archbishop had confirmed the decision of the Bishop, and when the Privy Council had decided against the opinions both of the Bishop and of the Archbishop, reference was not to be made back to the Archbishop's Court, but the Privy Council was to take upon itself to order and direct an inferior Bishop to institute a clerk in the province of his own metropolitan. Although greater attention was paid at the present time than formerly to the selection of persons to fill the offices of chancellors in the Diocesan Courts, yet he believed that in a number of those courts the chancellors were necessarily persons quite incapable of discharging the functions imposed upon the chancellors to be appointed by this Bill. He looked with great apprehension on the power of appointing chancellors vested in the four Archbishops and the Bishop of London, although he might not have objected to the appointment of properly-qualified assessors to act with the Bishops on the trial of clerks and matters of that kind. But the case was much altered when he found, in connection with the appointment of these chancellors, that large funds must be provided, and other provisions made, which would not have been necessary but for the difficulty of providing adequate funds. The right rev. Prelate estimated that there would be a deficiency of about £24,000 a year, but he had omitted one considerable item—that of compensation. He believed that the ordinary expense of a marriage licence was half a guinea; but if, as had been calculated, it would be raised to £2, the effect of the Bill would be to levy a fourfold tax on marriages by licence. But they had been compelled to introduce machinery which would not otherwise have been introduced, and to get rid of many officers who were now performing their duties satisfactorily, and to deprive the Bishops of much of their local power and authority which it was desirable to retain, in order to furnish the necessary funds. His noble Friend (the Earl of Harrowby) had admitted generally the objections which applied to the principle of centralisation; but not only did the Bill involve the principle of centralisation and the removal of the diocesan registries at an enormous expense to a central position—which was a matter open to serious objection,—it went further, and for the purpose of employing these chancellors, practically transferred to them a great portion of the effective jurisdiction of the Bishops themselves. The preamble of the Bill stated, that one of its main objects was, first, to alter the manner of proceeding in criminous causes, offences, and matters in the Ecclesiastical Courts; and, secondly, to make provision for the establishment of central ecclesiastical registries. This principle of centralisation might, in fact, be regarded as the main principle of the Bill; and the machinery of the measure was so contrived, that unless they established a central registry, and transferred to it the authority and jurisdiction now exercised through the diocesan registries, the Bill would be what the right rev. Prelate near him (the Bishop of Bangor) had described it—a visionary and impracticable one. He was satisfied, then, after listening to the debate, that however laudable the object might be—and he was not one of those who imputed to the Government a desire to wantonly and hastily deal with this question—that the objections so forcibly urged by the right rev. Prelate (the Bishop of Exeter) were of too large and extensive a character to admit of the Bill being amended in a Select Committee. Believing, then, that the principle of a central registry was not only the central principle of the Bill, but was absolutely necessary for its practical working, and seeing also the almost unanimous opposition of the right rev. Prelates opposite to the measure, he must say that he despaired of any practical measure being produced out of it, even by reference to a Select Committee. He said this not without hesitation, because they must all wish to effect the object which the Government had in view; but he must give his vote, however reluctantly, against the second reading of this Bill.

The Bishop of CASHEL said, it was perfectly true that the Bishops of the United Church of England and Ireland, residing in Ireland, had unanimously resolved to support this Bill; and they had come to that resolution because they felt there was an urgent necessity for something to be done, and that the defects of the existing system urgently demanded a remedy. They regretted much differences from their English brethren, and particularly from the most rev. Prelate, for whom he had personally a great regard, and for whose official situation he felt thankful. The Irish Prelates, therefore—the Government having brought forward a measure with this view—felt themselves bound to support the second reading of the Bill, but without pledging themselves to all its details.

There were three great defects in the Ecclesiastical Courts which required amendment. These were—first, the character and the number of the Judges in these courts; secondly, the character and the number of final courts of appeal; and, thirdly, the nature of the registries in which the records of the courts were kept. As to the first, there were about fifty or sixty Judges in ecclesiastical causes in England and Ireland, all of them unconnected with one another, and with no unity of opinion in the judgments they pronounced. This obviously was itself a great evil. Again, out of twenty-six vicars-general in Ireland not less than seventeen were clergymen—all of them, no doubt, very respectable men, but, he must say, not the best qualified to be Judges, and most likely to carry with them the feeling of the public in their decisions. In his own diocess, when he first went there, he found two clergymen vicars-general; both of them were very excellent men, but certainly he could not have thought of asking either to give him an opinion with regard to any legal difficulty that might have presented itself. Not long ago, in his diocess, a very important divorce case was brought before the vicar-general, which would have required an experienced lawyer as the Judge; and, within a recent period, in the diocess of Waterford, a will case was tried before a clergyman, who was the Judge, and in which the principal point on which the will was opposed was the alleged improper influence exercised by a Roman Catholic clergyman. Surely cases like these ought to have been heard before some other Judge than a clergyman of the Established Church. He felt thankful to the Government, therefore, for the present Bill, because it would provide the Bishops with properly-qualified persons to assist them in the administration of the jurisdiction which they were called upon to discharge. One reason, and a most powerful one, why the House should consent to read the Bill and go into Committee was, that all the Members of that House who had spoken admitted the principle of the Bill. Not one of them would stand up and say that the Judges in the Ecclesiastical Courts were what they ought to be, or that they should remain as they were. They might differ as to the manner in which the evil was to be remedied, but they all admitted the existence of the evil; and he held that, so admitting it, they ought to go into Committee upon a measure which was brought in with a view to provide a remedy. The chancellors, which the Bill provided should be appointed by the Archbishops and Bishops, and approved by the Crown, would be men whose decisions would have weight, and an uniformity in their decisions might be expected. The next principle of the Bill to which he would refer was that of the final court of appeal. He was thankful that they had not heard a single word in the course of this debate against the principle of having one final court of appeal for the whole United Church of England and Ireland. But the main question was, what should be that final Court of Appeal? He could not forget that the Bill of the right rev. Prelate (the Bishop of Exeter) actually contemplated two different courts of appeal, one for England, and another for Ireland. Many persons were, no doubt, ignorant that, under the late Church discipline law, there were four courts of appeal for the United Churches of England and Ireland. There was the Judicial Committee of the Privy Council; there was what was in Ireland called the Queen in Chancery, instead of the Queen in Council; there was the Court of Delegates in England and Ireland; and there was the House of Lords. Now, one main feature in the present Bill which met his decided approval was, that it affirmed what had never been so distinctly affirmed before—namely, the Union of the Churches of England and Ireland by establishing one united court of appeal. Another portion of this Bill which met with his hearty approbation was that of providing for the registries, which were not now in the state in which they should be, especially in Ireland. He would say nothing of the state of the registries in England, but in Ireland they were in a very unsatisfactory state—in most diocesses without any fixed place in which they were to be kept. In his own diocess the registry had been in four different lodgings in his time. It was now in the hands of an excellent officer;

he had it in his own house, and it was kept with great care; but if anything happened to him, the records would have to seek another lodging. There seemed to be a general feeling in favour of the principle of the Bill; and this being so, he saw no reason why it should not receive a second reading. The statement dated the 11th of June, 1855, drawn up by the Archbishop of Canterbury and those right rev. Prelates who agreed with him, had been already referred to. That statement took exception to the Bill of 1855, not to that of 1856. Now, what was the objection put forward in that statement? Not one word was said against the main principle of the Bill; not a word was said against the establishment of one good court of appeal. But the objection to it was, that it had a tendency to transfer the jurisdiction of the diocesan Bishops to the Archbishops, and from the Archbishops to the Crown. The words of the clause which had that tendency said, "the Archbishop shall take, hear, and decide, upon such cases," &c. Now, that clause was liable to the objection taken to it. The Irish as well as the English Bishops had objected to it, and said that it was wrong in principle. But this objection, it must be remarked, applied to the Bill of 1855, and not to the Bill now before the House. What was the language of the 15th clause of the present Bill? Why, this—"It shall be lawful for the Archbishop, if he think fit, thereupon to take, hear, and determine such cases in his Provincial Court, as he might have done by force of any statute or law before the passing of this Act." This clause did not confer any new powers on the Archbishop, for it would be found that by the law, as it at present existed, there was a power by which a suitor could remove his case from the Bishop's to the Archbishop's Court in certain cases; so that the 15th section, in its present shape, would confer no new jurisdiction on the Archbishop, but left the relative powers of the Bishop and Archbishop exactly on their present footing. The objection, therefore, to the Bill on that account was groundless. The Bishops, therefore, had every reason to be satisfied with the general principles of the Bill, which were, undoubtedly, sound and salutary; and, as to the details, he believed there was nothing which might not be rectified in Committee. He considered that it was a measure with which personal or party feeling had nothing whatever to do, and in this spirit the Prelates of Ireland had approached its consideration. They were quite ready to confess that there were evils in the present system, and to express their willingness to assist in rectifying those evils. That was the spirit in which the Irish Prelates had considered its provisions—determined, as they were, that no party or personal considerations should prevent them from joining in doing that which they considered to be for the benefit of the Church and the good of the country.

The Bishop of OXFORD said he could assure the right rev. Prelate who had just addressed the House that the English Bishops had no personal or party feeling in their opposition to the Bill then under discussion, and, could private advantage have anything to do in the matter, they would willingly sacrifice it for the attainment of objects beneficial to religion and to the country generally. He did not impute, nor did any of his right rev. Brethren impute, to the framers of the Bill any intention to inflict any injury on the Church, but the province of that House was not to decide upon the objects or intentions of those who submitted measures to their consideration, but to criticise the measures themselves—to take them on their own merits—and to see whether they were calculated to work good or evil. The present state of the law, with respect to Church discipline was, no doubt, exceedingly defective, but that was no reason why they should exempt from criticism a measure presented as a remedy, or pass it wholesale in the hope of rendering it less objectionable in Committee. The proposition of the right rev. Prelate (the Bishop of Cashel) was, that the Bill should be sent into Committee, where it might be made somewhat useful; but if the Bill had in reality, however unintentionally on the part of the framers, a special clause, the principle of which was subversive of the Established Church; and if they saw that, however unintentionally, the principle of that clause ran, more or less, through the whole framework of the Bill, he thought that such a Bill was not one which they should send to Committee in the hope of amending some of its details—he thought it was one which they should by their vote on the second reading decline to send to Committee, in consequence of the vicious principle it contained. The right rev. Prelate (the Bishop of Cashel) had laid much stress upon the difference between the 15th clause of the present Bill, and the objectionable clause contained in the Bill of last year; but he (the Bishop of Oxford) thought that that distinction was merely one between the words "shall" and "may." Those who opposed the Bill took up their position on this ground, that it was a fundamental principle of the Church of Christ that the Bishop was supreme over his clerk in his own diocess, and that the clerk had no right to claim the benefit of the Archbishop's jurisdiction except by way of appeal against a wrong suffered at the hands of the Bishop; in which case the clerk undoubtedly had a right to have his wrong redressed, and then the Archbishop could interfere. In this way the jurisdiction of the Archbishop operated over his suffragan, his jurisdiction coming in to rectify wrong or negligence on the part of the suffragan. There was no law of the Church that permitted a clerk to go primarily to the metropolitan; the original jurisdiction was vested in the Bishop alone, and the clerk's right of appeal might be compared to that of a child against the father. The child could not complain to the civil magistrate against his father in the first instance. If the father did wrong, the civil magistrate stepped in; but the parental jurisdiction should be had recourse to in the first instance. In the thirteenth century, when St. Louis was endeavouring to defend the French Church against the usurpations of the Bishop of Rome, he had to combat with the principle of superseding the jurisdiction of the diocesan Bishops. The Government ought to approach the subject with the greatest care, lest, unawares, a fundamentally erroneous change should be introduced into the framework with which they were dealing. The dangerous provision of the first bill had been reproduced in the second, and its reproduction showed such a want of care or of intelligence as ought to lead their Lordships to treat the measure with the greatest caution. His noble Friend (the Earl of Harrowby) had called their attention to the words which provided that the Archbishop should only exercise such power as he could exert at present. If his noble Friend meant that it was intended to give to the Archbishop no more power than he at present possessed, what was the use of introducing the clause? But it could not be pretended that, under the existing law, there was any provision by which a clergyman could say that he would be tried by the Archbishop, and not by his Bishop. [The Lord CHANCELLOR was understood to say that such a power existed.] He would be glad if the noble and learned Lord would point out this provision. The real object of these words, however, was to meet an objection which had been urged by the Bishops against the Bill of the last year. That objection was, that the measure, as then introduced, confounded the diocesan and provincial jurisdiction of the Archbishop, and would enable him to deal with appeals from his suffragans in his Diocesan Court, and the object of the words which had been introduced into the 15th clause was to meet that objection, and to provide that the Archbishop should try all these appeals fron his suffragans in his Provincial Court. But the evil of which he (the Bishop of Oxford) complained was not confined to a single clause—it ran through the whole of the Bill. That evil was, that the measure was opposed to the constitution of the English Church, by which it was intended that every Bishop should have his own means of administering his diocess in his own court, and that any wrong which had been done by him should be remedied upon an appeal to the Archbishop. The intention of this Bill, on the contrary, was, that wrong should be remedied by the Archbishop, not on appeal, but immediately. That was a fault in the principle of the Bill which could not be removed by the alteration of a single clause. To remedy it, it would be necessary to recast the whole Bill. The only argument in favour of the Bill—for the speech of the noble and learned Lord on the woolsack was rather against others than in support of this—was that of his right rev. Friend behind him (the Bishop of Cashel). That part of his case which he had founded upon the miserable condition of the registry of his diocess, his right rev. Friend had completely made out, and he (the Bishop of Oxford) recommended to his great energy to amend its condition as speedily as possible; but he would suggest to his right rev. Friend that the abandonment of a principle of the Catholic Church might be too high a price to pay for a safe, dry, and even fireproof registry. Another reason given by his right rev. Friend for his approval of this Bill was, that no one found fault with the supreme court of appeal. That we ought to have one supreme court of appeal for the Church in England, Ireland, and the

Colonies, no one could feel more strongly than himself (the Bishop of Oxford); but of the machinery by which under this Bill it was proposed that such a court should work he entirely disapproved. He believed that the only mode by which the great difficulties arising from the supremacy and the mixed spiritual authority and ecclesiastical jurisdiction, was that which was proposed by his noble and learned friend Lord Brougham, and was, with one alteration, approved by the noble Earl opposite (Earl of Derby). He would leave the entire settlement of every case of doctrine, as far as it concerned an individual, to the Privy Council. It would be better not to mix the Archbishops and Bishops with laymen as judges; but it would be only analogous with the course of proceedings in other cases if, in matters involving a question of doctrine, the Privy Council should send a case to the Archbishop of Canterbury, who, with as many of the Bishops of the United Church as chose to attend, should hear the arguments, and should return an answer, deciding—not whether A. B. was guilty or not guilty—but whether certain doctrine was or was not in accordance with the formularies of the Church of England. It should be permitted to the minority to send their answer that it might have the moral weight which was due to it, and the answer should not be made binding on the Privy Council, but should be required to be set forth in the judgment. This course of proceeding would accomplish all for which he was anxious. It would preserve the Crown as the supreme arbiter, and would keep the doctrines of the Church from being tampered with by judgments given in individual cases; while in the provision of a single supreme court of appeal it would be quite as effectual as this Bill. He trusted that their Lordships would ponder well before deciding to give any countenance to the principles of the Bill. It was certainly a new thing in ecclesiastical legislation that a measure so sweeping as to alter the administration of every diocess in England, to touch every Ecclesiastical Court, to remodel the position of every ecclesiastical officer, and to tax the poorer clergy in a great measure, by means of stamps, should have been introduced without consulting with the Archbishops or Bishops of the English Church, all of whom were now to be found united in condemning the principle of the Bill as being subversive of the Church they were bound to protect. Were their Lordships prepared in this way to overthrow the whole authority of the episcopal bench in this country? If there were any one subject on which the Prelates of the English Church might expect to be consulted, was it not that which dealt with their own officers and courts? and was it reasonable that the House should now be asked, on the idlest arguments, to admit the principle of a Bill so introduced, and to send it to a Select Committee? Let them endeavour to have an amended state of the law in the best way possible; but, having stated what was the united judgment of the members of the English episcopal bench, he thought he did not ask too much when he requested their Lordships to send back the measure to the Government for better consideration before they assented to its being referred to a Select Committee of that House.

The LORD CHANCELLOR, in reply, said that though the Bill had not been prepared under his immediate direction, he had fully sanctioned what was done, and was prepared to take all the responsibility of its introduction. With reference to the allegation that the measure had been introduced without previous consultation with the right rev. Prelates, he had to state that in the month of June, last year, the present Bill, or rather one on which the present was founded with modifications, was sent to the most rev. Primate with a request that he would consult his right rev. Brethren with respect to it. The most rev. Primate a few days afterwards mentioned that the other Bishops did not like the provisions respecting chancellors, and then he (the Lord Chancellor) wished to know what would be the opinion of the right rev. Bench if that provision was given up. That was all that took place about giving up that provision. Now, although he would confess that at that time he had not made himself fully master of the details of the measure of which the present was a modification, he would say that he had given considerable attention to the details of the present Bill. The main objection to the Bill he collected to be, in the first place, that there was no provision giving jurisdiction in the first instance to the Bishop; but that objection was founded in error, for the very first clause in the second part of the Bill declared that every Bishop in his diocess, within England and Ireland and the Isle of Man, should preside as judge in all suits and other proceedings in his court. The Church Discipline Act now enabled the Archbishops to exercise the jurisdiction of the Bishops in the way proposed by the present measure, whenever the Bishop was the patron of any preferment held by the party accused. It was admitted that it would be desirable to have chancellors who would be efficient judges, but it was said that the local registries were to be sacrificed in order to raise funds for paying them. Now he (the Lord Chancellor) could not see how local registries could be maintained after the removal from them of their testamentary business. No one had denied that the establishment of a central registry in Ireland would be an advantage, and he believed it would be equally advantageous in England. He had no sympathy with centralisation by itself; but it was known that many of the local registries were not safe places of deposit, and when testamentary documents were removed from them he should like to know how funds would be obtained for their maintenance? With regard to compensation, persons entitled to compensation would be put on the testamentary fund, and were not, therefore, dealt with by this Bill. The right rev. Prelate had made a singular misstatement about stamps. He said the Bill proposed to charge poor clerks and clergymen with stamps. All that the Bill provided was, that fees now paid should in future be paid by means of stamps, since it was found that it was better to collect revenue by means of stamps than by the payment of fees. [The Bishop of OXFORD: No document or instrument is to be received or filed unless it has a stamp.] But no instrument would require a stamp then which did not require a stamp now. The right rev. Prelate (the Bishop of Exeter) had made a most amusing speech against the Bill, three-fourths of which appeared to him to be for the purpose of showing that the right rev. Prelate wished to break a lance against a professional gentleman, his friend Mr. Stephens. Many of the observations of the right rev. Prelate appeared to him uncalled for, and he regretted them because they attributed a want of skill to a professional gentleman which might injure him in his profession. He did not know Mr. Stephens till he became acquainted with him in the course of the preparation of the document referred to, but he would not be doing justice to that gentleman if he did not state that he appeared to be eminently skilled in ecclesiastical law—a subject which very few lawyers were generally conversant with. He would now conclude by entreating their Lordships to pass this Bill.

On Question, that "now" stand part of the Motion, their Lordships *divided*:—Content 33; Not content 41: Majority 8.

Resolved in the *Negative*; and Bill to be read 2^{a} on *this day six months.*

List of the CONTENT.

Lord Chancellor
DUKES.
Argyll
Wellington
MARQUESSES.
Breadalbane
Clanricarde
EARLS.
Abingdon
Airlie
Courtoun
Ducie
Harrowby
Kingston
Mayo
St. Germans
Somers
Spencer
VISCOUNT.
Sydney

BISHOPS.
Cashel
Derry
Limerick

BARONS.
Camoys
Clonbrock
De Mauley
Foley
Hatherton
Kinnaird
Leigh
Lifford
Milford
Monteagle
Panmure
Plunkett
Saye and Sele
Wodehouse

List of the NOT CONTENT.

ARCHBISHOP.
Canterbury
DUKE.
Newcastle
MARQUESSES.
Bath
Cholmondeley
Salisbury
EARLS.
Aberdeen
Bradford
Carnarvon
Delawarr
Derby
Egmont
Harewood
Nelson
Powis
Romney
VISCOUNT.
Dungannon
BISHOPS.
Bangor
Bath and Wells
Chichester
Hereford
Llandaff
Lichfield
Lincoln
Manchester
Oxford
Rochester
St. Asaph
Salisbury
St. Davids
Winchester
Worcester

BARONS.
Abinger
Bateman
Berners
Colchester
Delamere
Lyttelton
Rayleigh
Ravensworth
Redesdale
Wynford

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 21, 1856.

MINUTES.] NEW MEMBER SWORN.—For Athlone, Hon. Captain Henry Handcock.

PUBLIC BILLS.—1° Dublin Metropolitan Police; Grand Jury Assessments (Ireland); National Gallery; Spirit Trade (Ireland).

3° Bankruptcy (Scotland).

THE WELLINGTON MONUMENT—EXPLANATION.

Sir BENJAMIN HALL said, he wished to correct a statement he had made the other evening, in reply to a question respecting the erection of a monument to the late Duke of Wellington. He then stated that his predecessor at the Board of Works had considered two plans, one of which has been sent in by Mr. Baily and the other by Mr. Foley, but that, after careful consideration, neither of those plans was approved of. He (Sir B. Hall) also stated that, soon after he came into office, he saw the models which he had reason to believe, from the statements made to him, had been prepared by Mr. Baily and Mr. Foley. He had, however, received a communication from Mr. Foley, informing him that the plans to which he had referred were those of Mr. Baily alone. He (Sir B. Hall) might observe that it was his intention to invite those gentlemen to send in plans again.

THE SEBASTOPOL CLASP—QUESTION.

Mr. H. BAILLIE said, that in reference to a statement made by the Under Secretary for War on Friday evening, that none but combatant officers were to receive the Sebastopol clasp, he would beg to inquire whether the War Office had decided that surgeons attending the wounded under fire or Commissariat officers bringing up supplies during action were non-combatants? He asked the question because he understood that those medical and Commissariat officers who were still at Sebastopol had received the clasp, while those who had returned since the city was taken had been refused it.

Mr. FREDERICK PEEL said, he could only repeat the answer which he gave on Friday, that, as a general rule, none but combatant officers were to receive clasps commemorative of actions, but added, that it had been decided to make an exception in favour of medical officers, on the ground that they were obliged, in the performance of their duty, to go under fire with their regiments.

Sir JOHN PAKINGTON said, he would remind the hon. Gentleman that he had not answered that portion of the question which referred to the distinction made between the medical and Commissariat officers remaining in the Crimea and those who had returned home.

Mr. FREDERICK PEEL said, he must beg to explain that before the general rule which he had described came into operation a number of Commissariat officers received the Sebastopol clasp, which they had not since been requested to return, although the same distinction had not been conferred upon the remaining officers in the same department.

ORDNANCE—DEFECTIVE MORTARS—MESSRS. GRISSELL.

Mr. MALINS said he rose, pursuant to notice, to call the attention of the House to the charges which were made by the Clerk of the Ordnance against Messrs. Grissell of having inserted pieces of iron in the mortars which were made by them, in order that the flaws in the materials which they had used might escape observation. That charge related to men of great respectability, and he was himself satisfied, and he hoped also to be able to satisfy the House, that it was entirely destitute of foundation. During the summer of last year the Government were greatly in need of mortars for carrying on the war, and, not being able to obtain the requisite supply from the houses with which they usually dealt, they applied to no less than fifty-four manufacturing firms of high reputation to ascertain whether they could furnish the mortars which were required. Among other persons, Messrs. Grissell, who held extensive Government contracts for machinery, and who carried on a very large business, were asked if they would undertake to supply a certain number of mortars. They stated that as the manufacture of mortars was not within their line of business they were reluctant to undertake a contract, but that as the Government were pressed they would afford any assistance in their power. They accepted a contract for furnishing eight mortars of five tons each, the price being limited to £24 a ton. Now, he was assured by those gentlemen, that having entered upon the contract, and deeming it important that the best materials for the mortars should be secured, they had instituted all the necessary inquiries upon the subject, and had come to the conclusion that Staffordshire cold blast-iron, with a mixture of Cumberland and old iron, would be found to be the best materials for their purpose. Acting upon that opinion one member of the firm had taken a journey through England, and having acquired all the information he could collect, had provided the necessary materials, and proceeded to carry out the manufacture of the mortars in question. Now, six out of the eight mortars which had been contracted for had subsequently been delivered, and of those six mortars no complaint whatever had been made. Upon the 29th of October, however, a mortar described in the papers as No. 4, was delivered, and with respect to that mortar the foreman, having been anxious to render it as perfect as possible, had adopted a new system of pouring in the metal, both at the bottom and the top, the consequence of which was that, when the currents of metal met a blistering was caused and some small holes appeared. Messrs. Grissell were perfectly satisfied that, notwithstanding these blemishes on the face of the metal, they had not cast a sounder mortar or one of greater strength. They therefore filled up the holes on the surface with iron of a different quality, and on the 29th of October the mortar was delivered. On the 20th of December that mortar was inspected for the first time by Colonel Wilmot, by whom it was rejected. The Messrs. Grissell considered that no good reason whatever existed for that rejection; and requested that the mortar might be tried. That request had, however, been refused and the mortar was thrown into what was called the "rejected ground." He might inform the House that the Messrs. Grissell, having found the contract more difficult of performance even than they had anticipated, had actually been obliged to expend upon the erection of new machinery a sum of £1,000, that being the whole amount for which they had originally undertaken to carry the contract into execution. On the 19th of November, Messrs. Grissell received a communication from Colonel Wilmot, asking whether they would enter into a contract to furnish the Government with fifteen more mortars. They stated that the price at which they had undertaken the first contract was too low; they sent in new specifications, and on the 23rd of November they were instructed to proceed with the manufacture of fifteen additional mortars, the price of which was to be £28 per ton. The terms of the contract provided that these mortars should be delivered by the last day of February, and at the end of January, when it became apparent that peace was about to be concluded and that the additional mortars might not be wanted, Messrs. Grissell were informed that none of those mortars would be received by the Government after the 29th of February. The firm were therefore obliged to work night and day in order to complete the contract, and on or before the last day of February all the mortars were delivered. It must be remembered that the manufacturers of guns and mortars had no means of testing them, but they were tested by the Government themselves. One of the mortars delivered by Messrs. Grissell burst, but mortars sent in by all other manufacturers had also burst, and on the 7th of March, Messrs. Grissell received a letter, signed "T. H. Monk," informing them that one of their 13-inch mortars had burst, on the firing of the tenth round, at Shoeburyness, when a plug was discovered screwed into the breech. The letter further stated that, in consequence of this discovery, the mortars at Woolwich, supplied by Messrs. Grissell, had been minutely inspected, and that a plug had been discovered in mortar No. 4, which was delivered on the 29th of October. Before they had time to answer that letter the Clerk of the Ordnance had come down to that House, upon the night of the 7th March, and in Committee of Supply had made, without the slightest investigation into the merits of the case, a charge against the Messrs. Grissell, for which, if true, no punishment could be too severe. The right hon. Gentleman told the House, on the 7th of March, that the Government had obtained a considerable number of mortars from private firms, but that the result had been most unsatisfactory; that several failures had taken place in respect to those mortars, and he was sorry to say that one firm, which he would not name, was found to have made attempts at deception in the manufacture of five of them by inserting pieces of iron in order that flaws in the material they had used might escape observation. That statement of the right hon. Gentleman had naturally awakened a feeling of profound indignation in the House against the men who had been guilty of a fraud so infamous. The hon. and gallant Member for Chippenham (Colonel Boldero), in giving expression to that indignation, had said that the firm which had supplied those mortars ought to be prosecuted for felony; and the hon. Member for the Cardigan Burghs (Mr. L. Davies) said that the name of the man guilty of the conduct described by the right hon. Gentleman ought to be published, so that every honourable person might treat him as a felon, and that he might be consigned to the infamy he deserved. But no name had been given in connection with the charge until the evening of the 11th of March, when the noble Lord the Secretary for War stated in another place, in reply to a question put by the Earl of Derby, that the firm to which the right hon. Gentleman had referred was that of the Messrs. Grissell; and when the Earl of Derby urged on the Government the propriety of considering whether the head of that firm ought not to be prosecuted, the noble Lord the Secretary for War said that the Government had, in the first place, erased the firm from the list of Government contractors, and had submitted to the law officers of the Crown whether Messrs. Grissell ought not to be prosecuted. Up to that moment the Messrs. Grissell had not received the slightest intimation from any quarter that they were the parties against whom the charge of the right hon. Gentleman was directed; but of course, after the declaration of the noble Lord the Secretary for War, they could no longer remain silent. What was the foundation of the charge against those gentlemen—a charge which was virtually one of felony? Why, it was simply this, that preparatory to turning the mass of iron a hole had to be bored in the breech for inserting the centre of the lathe, and when the mortar was finished a plug of iron was driven into this hole, simply to fill up an unsightly cavity. The plug had not, therefore, been inserted for the purpose of concealing any defect in the material, but simply for the purpose of filling up a hole which it was necessary to make in completing the manufacture. It was not a little remarkable that on the 10th of March, the day before the noble Lord the Secretary for War had made his statement in the House of Lords upon that subject, Colonel Wilmot had written to the right hon. Gentleman the Clerk of the Ordnance a letter, in which he stated that there was reason to believe the hole at the breech had been made in the process of manufacture, and not with a view to conceal any flaw in the material; and yet, notwithstanding that statement of Colonel Wilmot on the 10th of March, the noble Lord the Secretary for War on the following day repeated in the House of Lords the charge of fraud, which had first been put forward by the right hon. Gentleman the Clerk of the Ordnance in the House of Commons. That fact revealed at least a very infelicitous mode of conducting Government business. A correspondence ensued between the War Office and Messrs. Grissell, and those gentlemen, in a lengthened interview which they had had with the noble Lord the Secretary for War, on the 14th of March, had convinced the noble Lord, as appeared from the papers laid before the House, that the charge of having put in the plugs for the purpose of concealing a flaw in the materials was unfounded. It further appeared, that two engineers of the highest reputation—namely, Mr. Brunel and Mr. Fowler, had, after due inquiry, made a report, in which they expressed their belief that "the description of iron used by the Messrs. Grissell, and the mode of proceeding which they had adopted, indicated a desire to perform work to which they were not accustomed in a creditable manner, and that it was clear no fraud had been attempted in the case." A letter had been written by the Messrs. Grissell, on the 14th of March, in which they entered into the fullest explanations upon the subject; and that letter was answered in a communication which, for some reason or another he (Mr. Malins) could not understand, was not inserted in the papers that had been presented to Parliament. In that communication the authorities at the War Office acquitted those gentlemen on the charge of fraud, but persisted in stating that they believed the plug had been inserted for the purpose of concealment. But the Messrs. Grissell very properly considered that a charge of concealment involved a charge of fraud, and did not allow the matter to rest there. The point in dispute was referred to Colonel Wilmot, and he drew up a Report, in which he made a statement to the effect, that on the whole he thought the opinion given by Mr. Brunel and Mr. Fowler, in favour of the honesty of the contractors, ought to be considered conclusive; and then he went on to declare that, in his belief, iron compounded of Blenavon and Pontypool would have been better than the iron compounded of Staffordshire cold-blast, Cumberland hematite, and old iron, used by the Messrs. Grissell. That latter opinion, however, had been then stated for the first time by Colonel Wilmot—he had never before expressed a wish that the compound he recommended should be employed by the Messrs. Grissell—and he (Mr. Malins) could not help thinking that that new question had been introduced for the purpose of diverting attention from the real point at issue. Colonel Wilmot further stated in his Report that he had satisfied himself that the Messrs. Grissell had spent a sum of £1,000 in machinery, for the purpose of properly fulfilling their contract. He (Mr. Malins) had been induced to take up the case solely from a desire to obtain for a firm which had hitherto borne an unblemished character the reparation of what they regarded as a gross injustice; and on the 2nd of the present month he had asked the right hon. Gentleman the Clerk of the Ordnance, whether the Government had yet satisfied themselves of the groundlessness of their charge against the Messrs. Grissell. The right hon. Gentleman had stated, in reply, that the correspondence upon the subject was still going on, and that he could not answer the question. But he (Mr. Malins) hoped that at present, at all events, that answer would not be repeated, and that the right hon. Gentleman would at length be prepared to do justice to those gentlemen. Among the papers presented to Parliament was a memorandum written by Colonel Wilmot, on the 11th of April, in which he stated that on the 7th of March, in the course of a conversation with the right hon. Gentleman (Mr. Monsell), he had used the words "flaws in the material," when he ought to have said "defects in the manufacture." It thus appeared that after a loose conversation with Colonel Wilmot, perhaps in the lobby of the House, the right hon. Gentleman felt himself justified on the evening of the same day in making a ruinous charge against a highly respectable firm. There was no duty more incumbent upon Members of the Government, whose statements in that House, however hurtful, could not be questioned in a court of law, than to be particularly abstemious in bringing charges against individuals. But what did he find in a letter written from the War Department on the 14th of April? Lord Panmure there stated, that the material had been proved not to be of such a quality as to secure the fitness of the mortars for the service; but, on the other hand, he willingly admitted that the plugs inserted in the mortars, with the exception of those on the face, were not placed there for the purpose of concealing flaws, but for filling up holes made in the process of manufacture. Surely the Clerk of the Ordnance must now regret having made his rash and unfounded charges on the 7th of March. Messrs. Grissell were charged with having inserted plugs into three mortars, but of that charge they had been subsequently acquitted. This observation, however, did not apply to No. 4, but the pieces inserted in that mortar were as plain when sent to Woolwich as the spectacles on a man's face. The Government endeavoured to get out of the scrape of not detecting this, by alleging that the mortar had been painted; but that was disproved. The grounds of the charge against the Messrs. Grissell were at present completely removed, as he (Mr. Malins) believed, and were evidently in the opinion of the Government itself at least greatly altered. There was no longer any question even as to the character of the iron which those gentlemen had employed; for a Commission, in which Colonel Wilmot himself had served, had reported that their compound was the best they could have adopted. He had been informed by persons most competent to give a decision in such a case, that the piece of iron inserted in the hole of the mortars had not in the slightest degree diminished their strength. That was the opinion of Mr. Brunel and Mr. Fowler; and he believed it was also the opinion of the hon. Member for Whitby (Mr. Stephenson), than whom there could be no higher authority upon such a subject. Under all the circumstances of the case, he thought the right hon. Gentleman had violated the rules of fairness in bringing forward a grave charge in the hasty manner he had done against gentlemen who, he must have known, had long maintained an unsullied character in the performance of the duties of an honourable business; and he trusted that the right hon. Gentleman, now that the whole of the facts were before him, would frankly admit that those gentlemen had honestly endeavoured to fulfil their contract. He felt assured that the House would concur with him in the belief that the charge was one which ought never to have been made, and that having once been made the right hon. Gentleman could not take too early an opportunity of retracting it. The right hon. Gentleman made a complaint that some of the mortars had burst. He did not, however, select those of Messrs. Grissell as having failed more than any others, but alleged general insufficiency; and if, out of the twenty-three mortars manufactured by that firm, one had burst, it was not from defective manufacture or material. Having gone out of their usual course of business in manufacturing those mortars they had determined to perform the duty in the best way they could. By doing so they had subjected themselves to a charge in that House which they had no means of removing but by an appeal to the generosity of the Members. If the right hon. Gentleman gave the assurance that he was now perfectly satisfied that whatever error might have been made by the contractors in the perforance of their contract the error was unintentional, there would be an end of the matter; but if he persisted in the charge which he had made, he (Mr. Malins) should consider whether it would not be his duty to move for a Select Committee to investigate the question.

MR. MONSELL said, he could assure the hon. and learned Gentleman and the House, that he should be glad if he could conscientiously arrive at the same conclusion with the hon. and learned Gentleman in reference to the subject before them. He should, in a few words, dispose of the charges which had been brought against himself and his noble Friend (Lord Panmure) in reference to the course which they had thought it their duty to pursue, and he should then explain to the House the real position in which the affair stood. With regard to himself, he thought the House would agree with him in thinking, that he was justified in making the statement to which the hon. and learned Gentleman had referred, when it was nothing more than what had been reported to him by the competent authority—the officer whose duty it was to examine and test the quality of the mortars supplied. Referring to that report, the only mistake which he could discover, after the explanation of the hon. and learned Member, was, that it was there stated that the plugs were to conceal defects in the material, instead of saying that they were to conceal defects in the workmanship. As to the fact that the mortars were plugged, there was now no denial; but the hon. and learned Gentleman stated that that was a matter of no importance, and that he was supported in that opinion by the hon. Member for Whitby (Mr. Stephenson). Now, on the other hand, officers well acquainted with such subjects—Colonel Eardley Wilmot, the chief officer of Woolwich Arsenal, Captain Carrick, of the royal navy, and Sir Thomas Maitland, the head of the experimental department of the royal navy, had also given an opinion on the same subject, and it was one directly opposite to that of the hon. Member for Whitby. Their opinion was, that the flaws were defects of a most serious character, and weakened the mortars most materially. As to the question raised with respect to the holes being necessary for the process of turning, he could only refer to the unanimous resolution of the board of officers to refuse all mortars in any way flawed, and if the House would refer to the rule laid down by other nations in the selection of their mortars, they would find that their provisions were most distinct on that point. He (Mr. Monsell) could not agree with the conclusions to which the hon. and learned Gentleman had arrived, that the insertion of the plugs was no defect, for, on the contrary, he considered it a grievous and serious defect. He wished now to call the attention of the House to the mode in which the present question arose. On the 20th of December, it was discovered that there were certain plugs in mortar No. 4, when Mr. Grissell stated, that the flaws which they concealed were of a very insignificant character; but Colonel Wilmot refused to receive it. Colonel Wilmot, in his report, stated that Mr. Grissell waited on him, on hearing of the discovery, and expressed his regret that such a thing should have happened, but that it was an ordinary thing for such flaws to appear in castings, but that the mortar was nothing the worse for it, after which he earnestly besought him not to reject it, but that he (Colonel Wilmot) replied, that he would not enter into the question, as to whether the mortar was weakened by the plugs, but that, had he at first known it was plugged, he should not have even looked at it. Now, every one could see, that a plug in the breech of a mortar was a much more serious thing than one in the face of it, and he wished to ask the House this question—Did Mr. Grissell act as a man of that high character, which he was represented to bear, ought to have acted in not saying to Colonel Wilmot, when he knew that three other mortars supplied by his firm were also plugged? "Since you object to this mortar on the ground of its being plugged, although I, myself, think it is nothing the worse for being so, I think it right to inform you that there are also plugs in the other three." The House, then, would agree with him in thinking that it was impossible to acquit Mr. Grissell of misconduct in the matter. Again, in his letter, Mr. Grissell stated, that the plugs were used merely to stop up air holes which were of little importance, and that they were not more than from one-eighth of an inch to a quarter of an inch in diameter; but when it became Colonel Wilmot's duty to extract those plugs, he found them to be 1½ inch on the head, and from five-tenths to seven-tenths of an inch in the screw, and that the interior of the mortars were honey-combed. With regard to the question as to the badness of the materials, that was a matter on which the Government had no grounds of complaint. The three mortars tested had burst respectively at the 9th, 10th, and

116th round, and, in fact, he (Mr. Monsell) thought that all he had advanced against the contractors was borne out by the statement of the hon. and learned Gentleman opposite, that it was impossible for young hands to manufacture mortars. It was painful to him to make that statement, and he could assure the hon. and learned Gentleman that he entertained no personal feeling against the Messrs. Grissell, but it was his duty, from the position which he had the honour of occupying, to lay those facts before the House.

Mr. G. DUNDAS begged to say a few words on this matter, with the details of which he had endeavoured to become familiar by careful inquiry, by a perusal of all the papers laid on the table, and by personal inspection of the mortars as they lay on the wharf at Woolwich, and of the heads of the mortars which were now lying at Messrs. Grissell's manufactory on the Regent's Canal. He must confess that when he first heard the statement of the right hon. Gentleman (Mr. Monsell) he received it with surprise and incredulity. He would not believe that persons in the position of Messrs. Grissell would so hazard their reputation, as to attempt to palm upon the Government bad material and workmanship, knowing it to be so, and from these inquiries, he was convinced that the charge was unfounded. The charges divided themselves into three heads. First, that Messrs. Grissell had inserted plugs into the base of the mortar for the purpose of covering defects in the metal. That statement was made by a noble Lord in another place long after he had had the opportunity of informing himself of the facts by communication with Messrs. Grissell, and on which very day, namely, the 10th of March, as appears by the correspondence now on the table of the House, the right hon. Gentleman the Clerk of the Ordnance received the following communication from the Superintendent of the Royal Gun Factory :—

> "It is probable that the holes in the breach were made in the process of manufacture, and were not flaws in the metal."

The second charge was, that they had inserted pieces of iron into the face of a mortar in order to hide defects in that face. The third charge was, that they used a material for the construction of the mortars which was altogether unsuited for them. With regard to the plugs which had been inserted in the breach of the mortars, it was to be observed that mortars are generally cast with a heavy head of iron over that part which afterwards becomes the mortar. This is to give density and solidity to the piece of ordnance. These heads are about fifty inches high, and weigh perhaps six tons. The finished thirteen-inch mortar weighs about five tons. Any one may judge of the density imparted by these heads by inspecting one which is cut up into sections at the Messrs. Grissell's works. Near the mortar it is dense, hard, and heavy as adamant, while at the upper part the metal is loose and spongy. To separate this head from the mortar the mass must be placed between the centres of a lathe, and a parting tool being applied in the slide rest, the two masses are divided; but centre holes, small conical indentations, require to be made for the lathe centres to work in—one in the top of the head, the other in the base of the mortar. These need not be above an inch and a half deep, and the upper centre holes might be seen in the heads now. The lower, or that in the base, was, on Messrs. Grissell's afterwards observing that the Government mortars were finished off straight on the base, filled up by a small hole being tapped in the base, and a screw inserted, for the sake of neatness and uniformity, but without the most remote idea that by so doing the mortar was weakened. The first four mortars made by Messrs. Grissell were thus treated, but in subsequent ones a boss was cast in which the lathe centre worked, and this boss was subsequently chipped off. It was difficult to suppose that great importance could have been attached to the minute aperture thus made in the breaches of these mortars, as there was now lying on the wharf at Woolwich a burst mortar, the vent of which had been bored to the size of nearly an inch in diameter, from the exterior of the piece to the chamber, in order to receive a bouche of wrought iron. This mortar was split into two halves through the vent, in the manner that mortars generally burst, the fracture passing also in a line with the centres, and, in the case of Messrs. Grissell's mortars, disclosing the small plugs which gave rise to those grave and unfounded accusations that have been brought against them. With regard to inserting plugs into the face of the mortar, he thought it a great pity that the charge had been revived, because, after the mortar was rejected on that ground, the Government entered into a second contract with Messrs. Grissell, thus evincing the slight importance attached to the charge. The fact of the plugs appearing on the face of the mortar was known by the end of December. The second agreement with Messrs. Grissell was signed on the 23rd of January. If the Government had had any very strong grounds for supposing that fraud had been intended by Messrs. Grissell, it was not too late to have broken that agreement. He had not seen the air-holes before they were filled up, but he had seen the doubles of them in the head of the mortar. They appeared to him to be very insignificant, and they had appeared equally so to Messrs. Grissell and their foreman. A mortar made just before this particular one, having presented the same appearance, had been sliced into small pieces by the planing machine, and upon examination disclosed nothing like flaws. Messrs. Grissell had every reason to believe that the mortar was perfectly sound and solid, and that the small defects which they filled were superficial and of very little consequence. The mortar stood the proof at the butt with twenty-one pounds of powder, and it was only upon the application of the water test that the holes became more apparent, in consequence of the water trickling down the face and lodging in the interstices, between the plugs and the solid metal. Messrs. Grissell were so satisfied, no imperfection whatever having been discovered when the bore was turned out, that they were ready to stake their reputation upon that mortar. With regard to the third charge of using materials unsuited for the purpose, Messrs. Grissell had taken every means in their power to secure proper materials. The iron they used was Messrs. Grazebrook's cold blast, which was a very high-priced iron, and believed by Messrs. Grissell to be the best for the purpose intended. As to the mortar that burst under proof, though cast of the same high-class and expensive metal as the others, it appeared to have got chilled in the casting from the mould becoming damp, thus seriously affecting the texture and strength of the iron. It must be remembered that Messrs. Grissell were new to the trade, and had to contend with difficulties which the right hon. Gentleman the Clerk of the Ordnance would know something more about when the Government established their own iron foundry, as it was in contemplation to do. He was certainly of opinion that the Government ought to be the manufacturers of their own implements of war, and though, at first, many similar errors to these now denounced would be committed, and probably a good deal of money spent, yet valuable experience would be gained, and it must in the end prove beneficial. What he had said was a plain and simple statement of the case, and he regretted that the appeal which had been made to the right hon. Gentleman the Clerk of the Ordnance had not been attended with such results as might have been anticipated. He had hoped that the right hon. Gentleman would have acknowledged that he had, at the least, spoken rather hastily, and have made to Messrs. Grissell that *amende* which bare justice required, for the expressions used by the right hon. Gentleman a few weeks since, echoed and indorsed as they were by a noble Lord in another place, and giving rise to still darker insinuations of a traitorous sympathy with the foe, were well nigh sufficient to blast the reputation and irretrievably injure the character of a firm, whose fair fame, however, rested upon years of acknowledged integrity, and who, he (Mr. Dundas) believed, were second to none in England for honesty and uprightness, for patriotism, and for loyalty.

Lord LOVAINE said, it appeared to him that the debate had taken a very strange turn, for the Government seemed to be put on its trial for their condemnation of the material and workmanship of articles supplied to it under a contract. That was a contract, too, in which if there were any fraud, it was calculated to inflict immense damage and risk of loss of life. The Government, therefore, were justified in instituting the most searching examination into the quality of the articles, and it was hard, indeed, that they should be called in question for rejecting what they considered improper articles; and the moment that they hinted that there was an intention to defraud them, up jumped a dozen hon. Gentlemen to defend the contractors. It was the bounden duty of the officer rigidly to inspect those mortars, and he seemed to have done nothing more than his duty. He (Lord Lovaine) thought that it was impossible, after perusing the papers which had been laid before the House, and after hearing the statements which had been made, to deny that the Government were perfectly justified in the course they had taken; and in his opinion, when the mortar in which the plug was first discovered was rejected, the contractors ought, in common honesty, to have pointed out that the same defects existed in the others. It was a matter of immense importance to the country at large, and hon. Gentlemen had no right to treat it as a private concern, or to impute motives to the Government which they did not deserve to have imputed to them.

COLONEL BOLDERO said, that after reading the whole of the correspondence on the subject, he thought it quite clear that of the charge of fraud the Messrs. Grissell must be acquitted; but he certainly could not acquit them of negligence, for the results of the defects in their mortars might have been very serious in the military operations the country was then carrying on. There could be no doubt that the firm had some difficulties to contend with; they were new to their work, and should have been extremely cautious. If Messrs. Grissell and Co. could not devote their time to the superintendence of casting and forging of the guns, their foreman, who was doubtless a person of great experience, should have reported to them that certain defects existed in a given number of mortars. They would, undoubtedly, at all events, be acquainted with the fact, and it appeared to him (Colonel Boldero) that they were to blame, inasmuch as they had not represented to Her Majesty's Government, when sending in the guns, that they had done their utmost, but that in four of the mortars those defects did exist. He would like to be informed, however, of the reason why the Messrs. Grissell had been singled out from amongst the thirty odd iron founders who had accepted Government contracts some time back. Nothing had been said of the number of guns which had been rejected, or which had burst that were manufactured by other firms. He would also inquire why the test charge used had been one of 21 lbs.? It was an insufficient one, insomuch as the service charge which produced the greatest range was one of 25 lbs. The contract altogether was an improper one. The Messrs. Grissell had supplied twenty-three pieces of ordnance, but of which one had burst, which was a matter of no great blame to them. The present charge against the Government contractors affected the whole contractors of the kingdom. The debates in that House were translated into foreign newspapers, and would be calculated to affect, injuriously, British manufacturers, by encouraging the idea that one eminent house had imposed upon the Government of the country, and that therefore they were not to be relied upon. The merchants of England, however, need not fear, particularly that class which had undertaken ordnance contracts; the manufacture of 13-inch mortars required a great deal of experience to attain perfection, and the guns and mortars used at the siege of Sebastopol would sufficiently speak for the ability of the old firms which had manufactured them. From a Return which he held in his hands, it appeared that the total number of guns which burst, out of 476, in active service during the whole siege, was only eleven, although 269 were rendered unserviceable from other causes. That number was, however, susceptible of still greater diminution, for three out of the eleven were Lancasters; and although he (Colonel Boldero) believed that the invention of Mr. Lancaster would ultimately prove to be the most effective portion of the artillery, it had not been sufficiently used as yet to insure the degree of perfection which it would doubtlessly attain. One 68-pounder burst through being struck in the mouth by a shell from the enemy, and another piece of a like calibre met with a similar fate owing to its having been elevated for a very unusual range. Considering that during the siege 1,239 tons of gunpowder had been used by our artillery, and 9,056 tons of shot and shell projected from those pieces, he did not think that eleven casualties by bursting was a large proportion upon nearly 500 pieces of ordnance The present discussion he thought would be attended with good results in the event of the country finding itself engaged in another war. It would, at all events, insure its entering upon it with efficient artillery, and in a better position as regarded the condition of the soldier; and, in a word, more to the satisfaction of the country.

MR. EVELYN said, he must express his regret at the accusation which had been made against Messrs. Grissell, and at the same time to declare his belief that there was no ground whatever for imputing fraud to those gentlemen. He had read the documents bearing upon the case, and he entirely acquitted Messrs. Grissell of any fraudulent or dishonest intention.

MR. CUBITT said, he had known Messrs. Grissell for many years, and had read with astonishment the charge which had been made against them, for he knew it was morally impossible that such men could have meditated or committed fraud. He had read the documents, and he was satisfied that Messrs. Grissell had not been actuated by any fraudulent intention, but that they had undertaken the contract with the desire of carrying it out in such a manner as to sustain their reputation. Numerous errors had been committed in the course of the war by the Government themselves, who, he thought, ought to be somewhat more indulgent when, from want of experience, gentlemen who had endeavoured to carry out their objects had been betrayed into mistakes.

Sir JOHN PAKINGTON said, he did not rise for the purpose of imputing any blame to the right hon. Gentleman opposite (Mr. Monsell) or to Her Majesty's Government for being strict in their investigation. He quite agreed with the noble Lord the Member for North Northumberland (Lord Lovaine) in thinking it the first duty of the Government to do their utmost in protecting the public from anything like imposition. He thought that the Government would, on the other hand, however, admit that a house of great eminence and respectability, like that of the Messrs. Grissell, was entitled to the fullest consideration. The right hon. Gentleman (Mr. Monsell) must have been aware that the firm had complained, amongst other things, that the diagrams furnished by the Government for the construction of those mortars were not correct. No answer had been returned to that complaint. The main question at issue, however, was not whether the Messrs. Grissell were led into any error in the construction of those mortars, but whether that error was committed with fraudulent intentions. The noble Lord the Secretary for War (Lord Panmure), if he (Sir J. Pakington) had read the papers rightly, had already acquitted the Messrs. Grissell of that imputation. He had no hesitation in saying that he could not, for a moment, believe that the Messrs Grissell would, for so insignificant an object, be guilty of an intention to defraud.

Mr. TITE said, that Messrs. Grissell had executed very extensive works for him in the most satisfactory manner, although they could scarcely be gainers by the contracts. With regard to the general question, he might state that, at the last meeting of the British Association, it was asserted in one of the sections that the guns cast for the present war were not equal in quality to those cast before the last peace; and that, at the request of the Duke of Argyll, a Committee was appointed to consider the subject. He mentioned that to show that to scientific men themselves the casting of guns and mortars was a matter of considerable doubt and difficulty.

The Motion for the adjournment of the House till Thursday was then agreed to.

On Mr. Speaker putting the Question that the House should go into Committee of Supply,

HEREDITARY PENSIONS.

Sir FRANCIS BARING said, he wished to draw attention to the fact that certain sums had been expended without the sanction of Parliament. It had been settled that the charges of collecting the revenue should be under the control of Parliament. Yet it appeared that certain charges had been paid out of growing revenues without having been voted. There was a sum of £213,000 which had been expended without the authority of Parliament, and but for the voluntary declaration of the hon. Gentleman the Secretary of the Treasury (in answer to a question from himself), would never have been disclosed to the House. How far from perfect was our system of public accounts appeared from this circumstance. The expenditure of this large sum need not have been disclosed at all, for anything in the accounts. There was nothing at all in our system of accounts to entail a disclosure of it. It appeared neither upon the accounts nor the Votes. The amount was very large to have been expended without cognisance of Parliament. The Secretary of the Treasury might have entirely suppressed it. The hon. Gentleman disclosing it had displayed the inefficiency of our system of public accounts, and to this it was he desired to call the attention of the House more particularly. This sum of £213,000 had never been issued from the Exchequer at all, for the sum never got into the Exchequer; yet it figured in an account commencing with a balance in the Exchequer. Now what had this sum to do with Exchequer accounts which never went into the Exchequer? It had nothing to do with Exchequer accounts at all. How was the "balance" made out? It was properly to be made out from moneys which had come into the Exchequer. And, therefore, the sum of £213,000 properly should not have been brought into the account at all. The Treasury had brought into the account of net income sums paid into the Exchequer and sums which had been stopped on their way to the Exchequer. It was extremely difficult to understand such a system of accounts. At all events, it was clear that our system of accounts was very imperfect, and required inquiry and improvement.

Mr. WILSON said, his right hon. Friend was in error in treating the account in which this item appeared as an Exchequer account; it was only a revenue account, including sums that never went into the Exchequer. The object of the Bill of 1854 was to remove certain charges named in the schedules from the gross revenue, part to the Consolidated Fund and part to the annual Votes; but, as stated by the right hon. Member for Oxford (Mr. Cardwell), a few items, consisting of some pensions granted to different families, were omitted from the schedules. It was thought better to leave these unchanged, as some had been redeemed, and negotiations were in progress for the redemption of the rest. In 1853, two pensions of Lord Cowper's charged on the Post Office and Land Revenue, were redeemed and appeared in the financial accounts for that year. If the pensions to the Duke of Grafton and to the heirs of the Duke of Schomberg had not been redeemed this year, they would have been paid out of the gross revenue, and have appeared, next year, in the usual accounts.

Mr. W. WILLIAMS said, if the Government had laid the gross amount of revenue before the House instead of the net amount, it would have been more satisfactory, although it might not have removed the objection of compounding these pensions without the authority of Parliament. With regard to the holders of those pensions, he could not help thinking that there was an example which they would do themselves great credit if they were to follow. The late Marquess of Camden was entitled to a pension of £10,000 a year, and he on conscientious grounds renounced that pension for the benefit of the country. Others, he thought, might be induced to follow that example; and these facilities of compromising pensions without the sanction of Parliament ought to be strenuously opposed.

TENANT RIGHT—QUESTION.

Mr. STAFFORD said, he wished to recall the attention of the right hon. Gentleman the Secretary for Ireland to the question which had been asked by the hon. Member for Mayo (Mr. G. H. Moore).

Sir Francis Baring

The hon. Member had only put off the question, in order to afford opportunities to ascertain the feeling of the people of Ireland upon the subject; and it was to be deeply regretted, considering the great importance of it, that the inquiry of the hon. Member had elicited no answer from the Government. Without agreeing in the opinions of the hon. Member, he felt that the subject was one of the greatest importance, and that the request of the hon. Member for a day on which he might bring it forward ought at all events to have elicited some kind of answer from the Government.

Mr. HORSMAN said, the Government had no notice of the hon. Member's question.

Mr. G. H. MOORE said, he had given the Secretary of the Treasury notice of it, and the hon. Gentleman had said that he might ask for a day, but was not very likely to get it.

Mr. HORSMAN said, he could assure the House that neither he nor the noble Lord at the head of the Government had been informed of the notice, nor was the noble Lord in the House at the time when the question had been asked.

Motion *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES —BRITISH MUSEUM.

House in Committee of Supply; Mr. Fitzroy in the Chair.

(1.) £60,000, British Museum.

Lord JOHN RUSSELL, in moving the Vote for the salaries and expenses of the British Museum establishment, said, that the sum proposed this year was somewhat larger than that taken last year. After rendering distinguished services to the Museum for fifty-six years, as Chief Librarian, Sir Henry Ellis had retired on the allowance of £1,200 a year, that sum being the full amount of his salary, to which his services had so justly entitled him. There had been a determination arrived at by the Trustees, at the suggestion of Government, to appoint a superintendent of natural history; and it was probable that the person nominated, whose name was well known in this country, would fill his office in a manner which would redound to the benefit of the Museum itself and the public generally. For some years past it had been matter of observation that the departments of natural history and science had not received the attention which ought to have been paid to them; and he felt assured that the gentleman to whom he had alluded would endeavour so to arrange those departments as that they should be of great use, not only to the natives of this country, but to foreigners. It was likewise thought necessary that there should be a Keeper of Minerals. A gentleman had therefore been appointed, who had paid particular attention to the subject of mineralogy, and to that gentleman a salary of £500 a year had been allotted. There was also an increase of £270 for the purchase of printed books, and there likewise was to be an increase of £500 for the purchase of manuscripts. There had been some Arabic manuscripts of great interest collected, of which he had the particulars, but which he would not trouble the Committee with. There was also a sum of £175 for bookbinding; £100 for reparations in the natural history department; and £500 for fixing, &c. the Assyrian antiquities which had lately arrived in this country. Public attention had lately been drawn to these antiquities, and it was desirable that access should be had to them. He believed that his hon. Friend the Member for Pontefract (Mr. M. Milnes) intended to call the attention of the Committee to the subject of patronage in connection with the Museum, and also to the Report of the Commission which had sat some years ago. Without wishing to anticipate his hon. Friend, he might state that it had been thought that a large body was not the fittest governing body; and the Commission (at the head of whom had been the present Duke of Somerset) proposed that a small number of persons should form the governing body of the institution. It was proposed also that the office of principal librarian should be abolished; but the Government in the first instance declined to act until the Trustees had considered the proposition. The Trustees took this recommendation into consideration, and the late Sir Robert Peel advised that they should not recommend the Government to adopt the Report of the Commission; but that a body much less numerous should be selected, to be called the "Standing Committee," and that to that Committee should be entrusted the general direction of the Museum. The then existing offices were to be maintained precisely as they were; but practical changes were to be introduced. That plan was adopted, and on the retirement of Sir Henry Ellis it was stated by the Chancellor of the Exchequer that it was not intended that any alteration should be made. The Trustees, therefore, concluded that the Act of Parliament was not to be altered, and the consequence was that the principal Trustees named a successor to Sir Henry Ellis. Those principal Trustees were the Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons. The arrangement of Sir Robert Peel was considered satisfactory. The officers of the Museum acted with great zeal, and there had been no reason to complain of the general management of the Museum. With regard to the number of persons who had frequented the Museum during the past year, there certainly had been a falling off, but that falling off might be ascribed to accidental circumstances, and it was likely that next next year the attendance might be more numerous. With respect to readers, about 1,100 volumes a day had been consulted by those visiting the libraries, and it was undoubted that the library of the Museum had proved of very great use to students generally. There were other general questions affecting the Museum, into which he did not propose now to enter. All that the Trustees could do was to carry on their management according to the mode at present adopted, and at the same time act upon any improvements which could be suggested. Last year an order was given that after a certain hour on the afternoon of Saturday, the public should be admitted for three or four hours. About 3,000 or 4,000 persons had attended; but Saturday was not a day on which the working classes were likely to attend, and he did not know that any great benefit had accrued from the alteration. But the Trustees intended to persevere in that order during the present year; and on Monday, Wednesday, and Friday, the Museum would be open as usual.

Mr. MONCKTON MILNES said, that the reason which principally induced him to call the attention of the Committee to this subject was the fact that the Report of the Commission of 1850 had remained almost unnoticed. Now that Commission was a continuation of the Committee of 1835, which had separated without making a Report. It appeared to him that the management of the Museum had been by no means satisfactory. If the Trustees were all connected with literature, science, or the arts, it might be inferred that a certain number would devote their attention to that part of the institution with which their sympathies were in accordance. The number of Trustees rendered them unfit to be the governing body of a great establishment, and therefore, as early, he believed, as 1755, a Standing Committee was appointed. But the main object of the Standing Committee was neutralised by the practice of giving votes to all other Trustees who chose to attend, and the Commission found that the government of the Museum really depended on the casual attendance of Trustees when matters were considered in which they happened to take an interest. The Commissioners, although differing in points of detail, were agreed as to the remedy. They thought it, above all things, expedient to substitute for the fluctuating and casual body of attending Trustees a standing Executive Council, composed of men really responsible for the management of the Museum. The Commissioners, therefore, reported—

> "The Executive Council, as we have now proposed it, carries with it, in the opinion of all of us, this great and leading advantage, without attaining which all other reforms in the constitution of the Museum are, in the view of your Commissioners, comparatively of little consequence—that it commits the ordinary and daily recurring business of the Museum to an Executive Council consisting of a number such as must leave upon each and all of them individual responsibility, insure knowledge and careful consideration of the business of the Museum in its whole course, and prevent that change of views and uncertainty of decision which cannot but be the consequence of a fluctuating Board."

There was some difference of opinion as to the composition of that Executive Council. A considerable majority of the Commissioners were in favour of recommending that the Museum should be divided into two great departments—one for taking into consideration all matters connected with literature—the other for taking into consideration all matters connected with science; that at the head of each department a person distinguished for attainments in literature or in science, according to the department over which he would have to preside, should be nominated by the Crown, and liberally remunerated for his services; that above them should be appointed a Chairman, of great consideration and weight in the country, to whom reference might be made in difficult cases with regard to the management of the Museum; and that, with these two paid and one unpaid officers, should be combined four Trustees, to be elected annually. The minority of the Commissioners were of opinion that it was advisible not to divide the Museum in that distinct manner, but to retain the departments much as they were. That division of opinion was very unimportant, as the Commissioners were all agreed that the governing body should be constituted of only a few persons, to whom the public and the House might look as the body responsible for the management of the Museum. When the Commission had reported the Trustees met, and a real Standing Committee was formed, consisting of the three principal Trustees—the Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons, and fifteen other Gentlemen. It was then clearly understood that they were to form the governing body of the Museum, and that they alone were to vote upon matters connected with the management of the Museum for the year for which they were elected. But he could not say that the Standing Committee realised all the objects of the Executive Committee recommended by the Commissioners. The Standing Committee was composed of Gentlemen filling high political positions, who were engaged in other and important occupations. The noble Lord who moved the Vote, not happening to be engaged at present in public affairs, was the last addition, but it was not to be supposed that the noble Lord would devote himself wholly to the objects of the Museum; and he would rather have a Committee composed of persons giving their continuous attention to the affairs of the Museum than accept the services even of the noble Lord. The Report of the Commission had certainly not received the attention it deserved either from succeeding Governments or from that House. The noble Lord who issued the Commission was bound, in his opinion, to have brought in a Bill to carry out its objects, unless he was satisfied that they were sufficiently attained by the appointment of the Standing Committee. The Trustees, however, appeared to have treated that Report with more respect, for they had gradually absorbed into their body the more prominent Members of the Commission, and he could not help thinking that that fact had something to do with the indisposition of those Gentlemen to press for the alterations which they themselves, in their Report, had declared to be necessary. The present government of the Museum was anything but satisfactory, and Her Majesty's Government would do well to consider the necessity, or at least the advisability, of establishing the government the Museum on a larger and more permanent basis. The Commission had recommended that there should be on the Executive Council two gentlemen to represent the two departments of science and literature; but the Standing Committee had allowed that recommendation to remain entirely unheeded. On the question of patronage, the Commission had recommended that the Executive Committee should make all the appointments; but that, as an additional security for the satisfactory execution of that trust, they should be subjected to the approval of the Secretary of State. That recommendation had not been carried out, and the whole patronage of the establishment, from the principal librarian to the lowest housemaid, was vested in the hands of the Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons. Those distinguished personages, he contended, could not be regarded as the best depositaries of this power. Their time was so fully taken up, their public duties were so numerous and so important, that they could not possibly have any opportunity of exercising their own discretion with regard to those appointments. They could have no means of obtaining any primary knowledge of the persons whom they appointed, and they must, therefore, necessarily trust to the recommendation of others. There ought, therefore, to be some alteration in these respects. By the present constitution the whole internal management of the Museum was conducted by one officer, who was called the principal librarian, and who was at the head of the establishment under the Trustees. The library was managed by an officer called the Keeper of the printed Books. Formerly there was an officer called the Secretary to the Museum, but that officer had been much criticised by the Commission, and the office had since been abolished. Sir Henry Ellis had until lately held the office of principal librarian, and Mr. Panizzi had managed the affairs of the library for a long period with great ability, and with universal approbation. On the resignation of Sir Henry Ellis Mr. Panizzi was appointed principal librarian. His (Mr. M. Milnes's) experience of that House had taught him that no one ever suffered from having his name mentioned there. There was always a generous feeling displayed in personal questions which entirely prevented any prejudice to the individuals interested. Nothing but a strong sense of public duty would have led him to mention the name of any person, last of all a foreigner; for he had ever advocated the principle, that honest and able men, who, from the political circumstances of their own countries, had been compelled to take refuge here, should not merely enjoy the bare right of an asylum, but should possess opportunities of exercising their talents and abilities. He was always desirous that men in such a position should be received in this country as those Protestants who took refuge here after the revocation of the edict of Nantes were received, and that they should have the opportunity of rendering their names as honoured as were those of Lefevre and Labouchere. He must say, however, that the recent exercise of patronage on the part of the Trustees of the British Museum had been regarded by the literary men of this country with a feeling which he could not characterise otherwise than as a feeling of indignation. There were in this Empire so few positions of public trust to which literary men of ability and distinction could aspire, that he did not think there was anything ungenerous in the feeling which existed among that class —that when the chief position in the great library and museum of the country became vacant the appointment should have been bestowed upon a member of their own body, and not upon a gentleman who was a foreigner. The other day he heard the Duc de Broglie refer, at the French Academy, to those happy times in France when a free trade existed between politics and literature, but in this country they were in the habit of dividing into two separate classes men of thought and men of action, and it was not easy for any literary man to found for himself such a position of public usefulness and honour as would be fairly afforded in the situation of chief librarian of the British Museum. If he were told that the Trustees knew of no other person so well qualified as Mr. Panizzi for the position to which he had been appointed, he would say that that fact was in itself the strongest condemnation of the system upon which the Museum was now governed, for it showed that the Trustees were not intimate with the literary men of this country, that they knew nothing of their struggles, difficulties, and resources, and that thus living apart from literary men they were not the fittest persons to be entrusted with the management of such an institution. If it was said that the appointment of Mr. Panizzi was a proper one, because that gentleman had been mainly instrumental in improving and arranging the library of the Museum, he would ask why Mr. Panizzi should have been removed from a position in which his services had been so useful and placed at the head of the whole establishment? He must say, that he thought those who placed Mr. Panizzi in a position the duties of which could only be adequately discharged by a person possessing the entire confidence of the literary and scientific men of this country had not rendered the best service either to Mr. Panizzi himself or to the Museum. It could not be expected that literary men would repose the same confidence in a foreigner which they would place in a distinguished countryman of their own, and he doubted whether Mr. Panizzi would be able to conduct the affairs of the Museum with the efficiency which would have been ensured by the appointment of a literary man who was a native of this country. He would suggest whether, when the Government set about reforming the Museum, some arrangement might not be made which would leave Mr. Panizzi at the head of the literary department, which would give Professor Owen the superintendence of the scientific department, and which would place over those gentlemen, as the President of the institution, a man whose character and attainments fitted him for such a position? He (Mr. M. Milnes) thought the Returns which had been laid before the Committee showed that the Museum was not in a satisfactory state. He found that the number of visits made to the reading-room was, in 1850, 78,533; in 1851, 78,211; in 1852, 1853, and 1854, there was a progressive diminution; and in 1855, the number had fallen to 53,567. The number of visits made by artists and students to the galleries of sculpture was, in 1852, 6,983; in 1854, 3,652; and, in 1855, 3,594. The number of visits made to the print-room was, in 1851, 3,867; and, in 1855, 2,868. There was also a striking diminution in the number of the general public who visited the Museum. In 1850 the number was 1,098,863; in 1851, 2,527,216; in 1852, 507,973; in 1853, 661,113; in 1854, 459,262; and, in 1855, 334,089. If the establishment had been conducted with greater energy, as it would have been under such an Executive Council as he now proposed, such a diminution would, in his opinion, not have taken place. He begged to apologise to the Committee for detaining them so long upon this subject; but, in his opinion, no encouragement ought to be given to the notion propagated by some of the Trustees, that it was impossible to find in this country a literary man fitted to be at the head of such an establishment, and therefore he had taken the liberty to address these observations to the Committee. It was the wish of all that the Museum should assume even larger proportions than those to which it had already attained, and in that prospect it was of the highest importance that a distinction should be made between the literary and scientific departments. He hoped the time would come when all the resources of the establishment would be devoted to the purposes of a great national library—when the works of art would be combined with a National Gallery worthy of the name, and when the objects of natural history would be handed over to the Zoological Gardens. Hence a division of the literary and scientific departments seemed to him advisable, both for the present good administration of the Museum and for its future management; and he was sure that if the Government turned its attention to the subject, and, having appointed a head of the scientific department in the person of Professor Owen, should perform the same good office for the literary department, it would put the country in possession of an establishment superior to every other of the kind in Europe.

Mr. SPEAKER: Sir, I am unwilling to trespass upon the attention of the Committee even for a few moments, but I trust that, after the allusions which have been so pointedly made to the conduct of my colleagues and myself, with respect to the appointment of Mr. Panizzi, the Committee will permit me to make one or two remarks in reply. I am not going to discuss with the hon. Gentleman who has just sat down what shall be the future management of the British Museum. He has very fairly stated the principal recommendations of the Commissioners, of whom he was himself one, who sat in 1850, to inquire into the management of the Museum; and the noble Lord the Member for the City of London has also fairly stated the steps which have been taken by the Trustees of the British Museum to carry out those recommendations in some very essential particulars. But it is my duty to explain by what considerations the principal trustees were actuated in the selection of Mr.

Panizzi for the office of principal librarian in the British Museum. The Committee will recollect that the Act of Parliament requires that when a vacancy occurs in that office the principal trustees shall select two names to be forwarded to the Secretary of State, and that those two names shall be submitted to the Crown with the view of one being chosen for the office. For my own part, I am quite prepared—and so, I am sure, are all my colleagues—to accept the responsibility of selecting Mr. Panizzi, because I do not believe a better choice could have been made. The hon. Gentleman has alluded to the fact of Mr. Panizzi being a foreigner; but that has been no unusual case in the British Museum. Since its formation in 1776 there have been five persons appointed principal librarians prior to Mr. Panizzi. Of those five, two were foreigners; one, Mr. Maty, a native of Holland, and the other, Mr. Planta, a native of Switzerland. The trustees, therefore, were quite justified by precedent in selecting a foreigner; at all events, no objection can be made to their appointment on that score. Again, we found that the invariable rule in the appointment of the principal librarian had been to select some officer of the establishment for that post; and the Committee will at once see how essential it is for the good conduct of an institution like the British Museum that deserving officers should be rewarded with promotion. The Committee may well suppose that I have not had it in my power to devote that time and attention which I ought to the interests of the Museum; but, from what I have myself seen of Mr. Panizzi during my connection with that institution, I must say that I think he is possessed of great talents, of great honesty of purpose, and of remarkable administrative ability—all qualities which are essential to a person who is to be the chief officer of such an establishment. I should be sorry, however, to ask the Committee to rely upon my testimony alone, and, with their permission, I will read extracts from three letters which I received, in common with my colleagues, with regard to Mr. Panizzi, before we made the selection. The first is from a gentleman well known to many Members of this House, now one of the canons of Westminster, whose testimony is peculiarly valuable, not only because he is a man of high character and attainments, but also because he was upon the establishment of the British Museum for thirteen years. The Rev. W. Cureton says:—

> "You must naturally be most anxious that the vacant office of principal librarian should be filled by the most efficient person, who is best qualified to discharge its duties for the advantage of the public. You are doubtless fully aware of the long and valuable services of Mr. Panizzi, of his great talents, his extensive knowledge, his ardent zeal and untiring energies, which have been most faithfully exerted during a quarter of a century for the benefit of the British Museum. There is, however, one point respecting which you may not have had the means of being so fully informed, but which the constant observation of nearly twenty years has made me well acquainted with—I mean Mr. Panizzi's great administrative powers and capacity of governing a large body of subordinate persons. I have never known any one in authority so strict and precise in maintaining order and discipline, so rigid and exact in requiring the full amount of duties to be performed, who at the same time had the singular happiness of gaining the respect and esteem, and securing the warm attachment and affection of all those placed under his authority. From my own experience of thirteen years' service in the British Museum, I am sure that no qualification is more essential to insure a due performance of public service in such an establishment, than this of which I have last spoken."

The next letter, with which I shall trouble the Committee, is from a gentleman who has for many years devoted much time and attention to the British Museum, who filled for many years an important office under the Crown, and who is well known to many Members of this House. I refer to Mr. William R. Hamilton, one of those trustees who are spoken of in the Report of the Commissioners, as having evinced the deepest interest in the advancement and success of the establishment; and I may add that Mr. Hamilton by his constant attendance to the business of the Museum, fully deserves the commendations bestowed upon him. Mr. Hamilton says:—

> "You will, of course, have heard that there is likely to be very soon an important change in the staff of the British Museum; Sir Henry Ellis, the principal librarian, having, after a very long service, given in his resignation: and the choice of one of two persons named by the principal trustees will fall to the Crown. I know that it is hardly necessary to trouble you on this subject, but I cannot refrain from stating it as my earnest conviction, that the name of Mr. Panizzi, now Keeper of the Printed Books' Department, ought on every account to be one of the two submitted to the Queen, and I fervently hope that he may be so selected. There can be no doubt whatever—and I believe that this is the universal opinion among my co-trustees—that, of all the officers now engaged in the service of the Museum, Mr. Panizzi is by far the most capable on every ima-

ginable ground to fulfil efficiently the duties of this situation. To a perfect acquaintance with the general duties of all the different departments, great experience in the details of the management of the establishment, he adds in a peculiar degree great knowledge of mankind, a most happy mode of extracting from all under him the greatest amount of efficient service, and of exacting the strictest regularity of attendance, great impartiality, a deep sense of moral justice, and an honest devotion of his whole time to the public service. He has also been mainly instrumental in introducing very many of the improvements, by which the service of the Museum has been greatly benefited. He is also most liberal in his views of extending its benefits to the largest number of the public, on the most liberal and safe terms. He must, therefore, be thought fully entitled to the promotion contemplated."

The only other letter with which I will trouble the Committee is from a nobleman, who was formerly a Member of this House, whose great talents and eloquence must still live in their recollection, and who enjoys the respect and esteem of all who have the honour of his acquaintance. I refer to the Earl of Ellesmere, whose testimony is entitled to the greatest confidence, because he was the Chairman of the Commission, that inquired into the conduct and management of the Museum. His Lordship says—

"I understand that the subject of the selection of a successor to Sir Henry Ellis at the British Museum is now under your consideration. I am entirely ignorant of what claims may be before you for that important succession, and should not think myself warranted by the experience acquired in the chair of the Commission of Inquiry to obtrude an opinion on their relative merits. That experience, however, I think may justly be expressed in saying this much, that should your choice fall on Mr. Panizzi I should be prepared to speak of that decision as one, in my opinion, than which no better could be made for the interests of the public service and for those of the subordinate officers of the Museum. The latter are, in my opinion, an interesting class of men, and I have reason to believe that Mr. Panizzi, in his dealings with those hitherto under his authority, has combined consideration and benevolence with great energy in the exaction of duty."

I will not trouble the Committee with any more letters on this subject; but I will venture to refer to a passage which appears in the Report of the Commissioners, with respect to the state of the library. In speaking of that department, the Commissioners say, that among the most magnificent establishments in Europe, there is no great national library which affords so large a measure of accommodation to all classes of readers as the library of the British Museum under the existing management; and in support of that statement they quote the testimony of two American gentlemen who visited Europe for literary purposes, and one of them with the special view of inquiring into the management of libraries. We have, therefore, the testimony of the Commissioners themselves, as to the management of the department over which Mr. Panizzi presided; and I have read the testimony of three persons abundantly qualified to judge, all concurring in expressing a high appreciation of Mr. Panizzi. Under these circumstances, we did not feel the slightest hesitation in selecting that gentleman, as one of those to be submitted to the nomination of the Crown for the office of chief librarian. With regard to the patronage of the Museum, I can assure my hon. Friend, both for my colleagues and myself, that we should not have the slightest objection to be relieved from the trouble and inconvenience necessarily attending its distribution. But so long as we retain it, I hope that we shall exert ourselves, as we have hitherto done, to the best of our power, to promote the public interests, and by such appointments, as that of Mr. Panizzi, to secure the future good government of the establishment.

MR. LAYARD said, he thought that upon the whole the Committee was indebted to his hon. Friend (Mr. Milnes) for the observations he had made. He also thought that there could be scarcely any hesitation on the part of any hon. Gentleman in admitting that there had been something radically wrong in the government of the British Museum. He was himself inclined to agree with the Report of the Commissioners, for it was impossible that a government constituted like the present governing body of the Museum, consisting of some trustees appointed *ex officio*, others as representatives of certain families, and others forming a Standing Committee, could properly administer its affairs. In his opinion it was most essential that the heads of departments should have the means of continually communicating with the trustess; and that at present they had not got. Before the appointment of Mr. Panizzi to the post of chief librarian, he had been opposed to that appointment, but it appeared that the Government had no choice in the matter, but were called upon to appoint a librarian. Now, the office of chief librarian and secretary to the trustees was an office which required very great, and at the same time very peculiar qualifications, and it was no reflection upon the literary men of this country to say that perhaps no man was so well fitted to fill that office as Mr. Panizzi. He was, therefore, very much astonished to hear his hon. Friend object to Mr. Panizzi on the ground of his being a foreigner, because that was an objection which ought not to come from that, the Liberal, side of the House. Did the hon. Gentleman not remember what had happened on the Continent? Why, in France the Department of Public Instruction had been confided to an eminent Italian, and, as he understood, the office of librarian at the Vatican had been offered to Cardinal Wiseman. [Mr. Milnes: No, no!] The hon. Gentleman appeared to think that an English literary man could not expect from Mr. Panizzi due respect; but he could tell the Committee an incident which had occurred, and which might lead them to think differently, and that was, that on one occasion, during the absence of that gentleman, the persons employed in his department subscribed for the purpose of having a bust of him. Mr. Pannizzi was in one respect placed in a very awkward position. He was looked upon as the responsible person, and was, in fact, responsible for acts which he did not perform. As to the management of the British Museum, there was no doubt that the greatest errors had been committed. First, as regarded the building itself, if one person had been responsible, such a building would never have been erected. Why, half the space was positively thrown away for want of light, and the edifice had been constructed on such a plan that it could not be enlarged, and the result had been, that in order to procure room for the printed books it had been necessary to build upon the courtyard and thus shut out both light and air, so necessary to an establishment of that description. Then, again, as to the manner in which collections were made. The Commissioners advised a collection of British antiquities, and two or three years ago the collection of Mr. Fawcett might have been procured for the Museum; but, no, the trustees were mostly men possessing great information connected with the classics, and could not appreciate a collection of "Saxon rubbish." They had expended on the building upwards of £70,000, while only £340,000 had been expended on the collections, and were now called upon to expend a still greater sum for building purposes, though he was sure that for a larger collection half the money, properly expended, would have been sufficient. Some reforms, however, were necessary in the management of the British Museum, and if his hon. Friend (Mr. M. Milnes) would bring forward a Motion on the subject next year, he (Mr. Layard) should be prepared to support him. There was no place to be compared with the British Museum in its resources, but there was no place worse managed. Everything was higgledy-piggledy—there was no series. There wanted more room to expand the specimens over a period of thousands of years. What was the consequence to those whom they wished to instruct? They took the specimen of a good age, and then that of a bad one. Centuries were mingled. This the learned could understand and appreciate, but the populace could not. If they saw a good and a bad object in juxtaposition, they conceived them to be both alike. He, therefore, hoped that some change would take place in the arrangement of the Museum. He quite agreed with his hon. Friend that it was impossible they could go on with the present building. Every year fresh objects of art and antiquities were coming in, and unless some different system were adopted it would be impossible to accomplish the object for which the Museum was maintained. He held in his hand a pamphlet written by Mr. Fergusson, showing how the library and works of art might be arranged, and making other suggestions worthy of consideration. He regarded the present subject as an important part connected with the question of national education, and he trusted the Government would give it their earliest and most serious attention. With regard to the numbers attending the British Museum he believed they were gradually falling off. There was no system to guide them; the people knew not for what purpose they went there; and thus they were without any motive for going again. But, if they had a British Museum well arranged, they would have a most useful institution of a national character.

Lord ELCHO said, it had always appeared to him that the British Museum was too much crammed; and he thought that, once for all, they should take a large view of the subject, and consider whether it would not be advisable to separate the collections—the mineral, the artistic, and the archaiological collections, by sending some of them to a new National Gallery. In the Committee of 1853 that particular subject was brought under consideration, and a Resolution which was moved by himself was passed with respect to it. Sooner or later the House would have to consider what they would have to do with the National Gallery; and when the library increased at the rate of 16,000 volumes a year, he thought the only conclusion they could arrive at would be to have it separate from all other objects of the Museum.

Mr. TITE said, that the library was one of the most extraordinary and valuable in the world. But he must complain of the great difficulty of obtaining the use of its treasure because of the defective arrangements as to the catalogue. At present it was necessary to consult five catalogues before a person could find out whether a book was or was not on the shelves at all. He thought it most desirable that a complete catalogue should be formed, and that it should also be printed; that if printed it would be a guide book for all other libraries in England, and save the enormous work of the time of the student now occupied in hunting for a book in a series of catalogues, without classification and with but little system. In France considerable progress had been made with a classed catalogue under the active administration of M. Taschereau, who had published the first volume in quarto of the Catalogue of the Bibliothèque Impériale, in December, 1854, and two more in the year 1855: by his system he had increased the number of titles of books written out from fifty in each day to 750. This library contained probably 700,000 volumes, the British Museum about 600,000, but though numerically less, it was of far greater value. George the Third's collection consisted of 63,000 volumes, but cost £130,000, and the Grenville Collection, placed at the disposal of the Trustees in 1846, cost its owner £60,000; two cases of the MSS. alone were estimated as worth £250,000, but in an historical and literary point of view the collection was beyond all price. He thought, too, that steps should be taken to increase the number of days on which the Museum should be open. During the best part of three days in every week the Museum was closed to the public. The excuse was, that it was necessary for the attendance of students. But he did not think that since the establishment of schools of design, it was any longer so. From a Return he had procured, with respect to the week before last, it appeared that the number of visitors, on the closed days, did not exceed twenty; and, on Saturday, when they might have attended, there were none present. He should be glad to be informed when the new catalogue and the new reading-room were likely to be completed.

The CHANCELLOR of the EXCHEQUER said, the principal recommendation of the Commission of 1850 was, that the offices of librarian and secretary should be remodelled, and that recommendation was shortly afterwards carried into effect by the abolition of the office of secretary and the consolidation of the duties with that of principal librarian. Sir Henry Ellis performed the duties of principal librarian and secretary for many years, and it was to that combined office that Mr. Panizzi had, as he believed with excellent judgment, been recently appointed. The Commissioners further proceeded to recommend the appointment of a responsible Executive Council, but they did not agree as to the manner in which that Council should be constituted; and, therefore, that part of the Report merely suggested an improvement, without pointing out the means by which it was to be carried into effect. But soon after the Report of the Commissioners was presented, Sir Robert Peel, one of the trustees, took the matter into consideration, and framed a series of regulations, which he submitted to his colleagues, by which he proposed to constitute a Standing Committee selected from the general body of the Trustees. The objection of the Commissioners being to the large number of Trustees and the irregularity of attendance, that scheme was supposed to carry into effect substantially those recommendations. He believed that in practice it had been found most successful, that the government of the Museum now worked well, and that there was no ground for bringing in a Bill to alter the constitution of the Museum as established by the Act of George II. There was another recommendation made by the Commissioners with respect to the superintendence of the department of natural history. They thought that some more general superintendence of the department of natural history, under different heads, might be introduced. That recommendation had received the attention of Her Majesty's present Government. When a change took place, in consequence of the recent retirement of Sir Henry Ellis, the expediency of appointing a person to superintend the joint department of natural history and science was brought under the attention of the Trustees. The Trustees thought such an arrangement would introduce an improvement into the management of the Museum, and they applied to the Treasury to sanction the salary of a superintendent of that department. The Government had sanctioned a salary to the extent of £800 a year, and it was the belief of the Government that the selection of the Trustees would fall on Professor Owen, whose name was a sufficient guarantee that the department would be ably superintended. There did not appear to him to be sufficient reason at present for adopting the advice of his hon. Friend the Member for Pontefract (Mr. M. Milnes), and laying before the House a Bill to alter the constitution of the British Museum. The hon. Member for Aylesbury had proposed that a separate building should be provided for each of the three departments—namely, manuscripts and printed books, natural history, and objects of art, into which the Museum is divided. The British Museum was of great magnitude, having cost between £700,000 and £800,000, and large additions had, from time to time, been made to it. One of those additions was at this moment in progress. In consequence of the great augmentation of the library a central hall was in course of erection, which would add materially to the accommodation for printed books, and also for reading these books. If the suggestion of the hon. Member for Aylesbury, of dividing the British Museum into three departments—for books, natural history, and works of art—were adopted, it would be necessary to expend large sums of money in the erection of new buildings. The plan offered some recommendations, but could only be carried into effect at an enormous sacrifice of money, which the present state of the Museum did not justify; for it was calculated that the library, with the new building, was sufficiently large to hold the annual additions for another century. The hon. Member for Bath (Mr. Tite) had asked when the new reading-room would be ready. He would beg to inform the hon. Member that it was expected to be completed in about ten months from the present time. The hon. Member for Bath also asked what progress had been made with the catalogue. He understood that when the Commission sat, a promise was made that the catalogue should be completed in 1860. Progress was regularly made with it, and he knew no reason to doubt that it would be completed at the time promised. With respect to the question of printing the catalogue, the conclusion which the Commissioners arrived at was, that upon the whole the advantages of printing the catalogue would scarcely be commensurate with the expense it would entail.

Mr. DISRAELI said, there was no doubt that the constitution of the British Museum was open to many objections which occasioned considerable inconvenience, but those objections, and that inconvenience, might be found in the origin of the institution. Our celebrated Museum had been originally the Museum of a virtuoso; Sir Hans Sloane collected manuscripts, dry insects, stuffed birds, old armour. Notwithstanding the efforts made and the resources at our command, the necessary consequence of the original idea was to be traced in our national collection at the present day. To that cause was to be attributed the disadvantages which had been pointed out. For a long time he had been of opinion that no satisfactory solution of the difficulties, which he thought every year increased, would be found except in the legitimate division of the great subjects which were collected in that building. Literature, Science, Art, all deserved a separate palace, and he was convinced that, sooner or later, the force of circumstances would render that division necessary. With regard to literature the hon. Member for Bath (Mr. Tite) had indulged in one of those eulogiums which were scarcely to be supported. Our collection of printed books and manuscripts was no doubt important and valuable, but in second-rate German capitals were to be found public libraries, not only more valuable with regard to the character of the works, but even more considerable with respect to their number. No one wished to depreciate the importance of our national library, but it should not for a moment be supposed we were in possession of a library which could not be improved in value, or increased in amount. If we did not possess such a library, at least we might aspire to it. Therefore, if this division ever took place, he very much doubted whether the present buildings would be too considerable for the printed books and manuscripts, with the medals and archaiological collections which he thought ought to accompany the books and manuscripts. By the recent purchase of land by the Royal Commission of 1851 an opportunity was now offered of erecting a temple for our collections of pictures and statues which would not be unworthy of this country. The appointment of Professor Owen to the scientific department of the Museum, was one which would be hailed with general approbation. The progress of scientific discoveries and the growing taste for scientific pursuits would render it absolutely necessary that all our scientific collections should be assembled together under one head. He should not, perhaps, have risen to address the Committee upon the present occasion, if he had not felt it his duty to express his great regret that the hon. Gentleman the Member for Pontefract (Mr. M. Milnes) should have found it convenient, in commenting on the constitution of the Museum, to indulge in an attack on Mr. Panizzi, more especially as it turned out that the sum and substance of the charge which he had to make against that gentleman was, that he was a foreigner. Strange to say, the hon. Gentleman immediately followed up that grave accusation by a very elaborate argument to prove that he himself did not disapprove of foreigners being employed in Her Majesty's service, though not in all positions. A foreigner, according to the hon. Gentleman, might be second in command, but not Commander in Chief. No one denied, least of all the hon. Gentleman himself, who was a Member of the Commission which had so conclusively established the character of Mr. Panizzi as keeper of the printed books, that, for the space of some twenty or twenty-five years, that Gentleman had admirably discharged the duties of his office. But, said the hon. Gentleman, he ought not to have been made principal librarian, for that was an office which ought to be conferred on some literary Gentleman who was an Englishman. He could have understood the hon. Gentleman had he argued that only a literary man of native growth should be appointed to the office of keeper of the printed books. That was an office which required great literary knowledge. It required an acquaintance with the literature of all nations, and accomplishments which literary men only possessed. But the hon. Member himself admitted Mr. Panizzi's perfect fitness for that office, and that he had discharged its duties in such a way as to entitle him to universal approbation. It so happened that the office which he now held was one to which his mere literary character could not urge such claims as it could have urged upon the office which he had just relinquished. The office of principal librarian was not one which required literary qualifications only. It was an administrative office, requiring knowledge of character, energy, and firmness, and the possession of those qualities could only be ascertained by observation and by experience of the individual. Were they, then, to lay down a rule that a foreigner might be permitted to hold the office of keeper of printed books, but that, although he might be possessed of the requisite qualities in the opinion of those with whom the appointment lay, yet he should not hold the office of principal librarian because he did not happen to possess the single qualification of being an English literary man? So far from sharing the opinion of the hon. Gentleman, he had no hesitation in saying that, if the Trustees had not appointed Mr. Panizzi to the vacancy when it occurred, as the reward of his long and meritorious services, and of the intelligent qualities which he had displayed, they would have acted with injustice, they would have inflicted a discouragement on the public service, and they would have been no longer entitled to the commendation and confidence of that House.

Mr. W. J. FOX said, he hoped that some arrangement would be made to open the reading-room in the evening. He made this request, not on behalf of miscellaneous readers merely, but on behalf of a large class of meritorious young men who were students in the true sense of the word, who were pursuing knowledge in silence under circumstances of great difficulty, and who were ready to make any sacrifices to obtain the benefits which the library of the British Museum would afford them. Considering how many self-taught men had distinguished themselves in science and art in this country, it was of the highest importance to afford that privilege to the class whose claim he was advocating. He was convinced that all the difficulties which were raised against the proposition might be done away with by a little management. It was also very desirable that some inquiry should be made as to the reason of the great falling-off which appeared to have recently taken place in the number of visitors to the Museum.

Mr. BELL said, that Mr. Panizzi had some years ago proposed a plan for the purpose of opening the Museum in the evening, which was not then adopted; but the Trustees would, he doubted not, now take the subject into serious consideration.

Mr. PELLATT said, he hoped that the Museum would be in future opened for five days in the week, a plan which had been carried out elsewhere with advantage.

Mr. GRANVILLE VERNON said, he would suggest that it would be a wise economy to raise some building worthy of the nation, instead of adding to the present buildings bit by bit, especially as large accessions were expected to the Assyrian antiquities. He hoped the Museum would be considered not an "old curiosity shop," but an institution of real instruction, where everything was arranged in proper sequence and order.

Mr. W. WILLIAMS said, he wished to call attention to the absence of all detail in the particulars of the Vote, especially as to salaries. He would also beg to add his request that greater facilities might be given to the public in the use of the Museum.

Lord JOHN RUSSELL said, he thought the suggestion of the hon. Member for Oldham (Mr. W. J. Fox), that the reading-room of the Museum should be opened in the evening, deserved very serious consideration. He did not know what objections might exist to such an arrangement, but if the hon. Gentleman's suggestion could be carried out without material inconvenience it should receive his (Lord J. Russell's) support. He fully agreed with the hon. Member, that there were many persons in nearly every class of life who might devote some portion of the evening to visiting such an institution. With regard to the allusions that had been made to the government of the Museum, he might observe that there was generally a very full attendance of Trustees, who not merely consulted with the principal librarian, but, if questions arose with reference to particular departments, called upon the heads of those departments for explanations or information. He did not think it would be possible to have men of higher literary distinction than Mr. Macaulay, or of greater aptitude for business than the Duke of Somerset, to aid the trustees in the discharge of their duties. It had been said that the Museum embraced too many subjects, and he agreed that it might be desirable to provide accommodation elsewhere for some departments at present connected with the institution. The Museum partook both of a literary and scientific character, and included a collection of natural history, which Professor Owen had declared was equal to any collection of a similar description in the world. There was a collection of ancient art, and also of what was called in the Act of Parliament "modern antiquity," which came down to a certain time, but did not extend to modern works. He entertained some doubt whether the building as it now existed, or even with any alterations which could be effected, was the most convenient place that could be provided for the exhibition of ancient works of art; but that was an important question which well deserved the consideration of the Government. He did not know whether any intention existed of building a new and spacious national gallery, but if that idea were entertained he thought it was a matter for consideration whether the specimens of ancient art now contained in the British Museum might not be exhibited to greater advantage in such an institution. With respect to the criticisms that had been made upon the architecture of the Museum, the Trustees could not be fairly blamed for any defects it might exhibit. He might remind the Committee that, although many public edifices had been erected in this country by various architects, none of them, he believed, could be regarded as distinguished examples of architectural taste and skill; and he heard that it was intended to convert the National Gallery—which had been built upon a remarkably fine site and at great expense—into a hotel. He had no doubt that great improvements might be effected with regard to the management of the Museum, and he was sure the suggestions which had been made would be carefully considered by the Trustees. He had no doubt that the falling-off in the number of visitors to which the hon. Member for Pontefract (Mr. M. Milnes) had referred was attributable, to some extent, to the number of other institutions which had been established for the exhibition of specimens of natural history and works of art, and which diverted the attention of the public from the National Museum. He regretted that the hon. Gentleman had deemed it his duty to object to the appointment of Mr. Panizzi on the ground that he was a foreigner. He really thought that we had become more liberal than that. The hon. Gentleman seemed to think that the office of principal librarian ought to be a retirement for some literary man. There was a time when Prior and Congreve, Addison and Steele, were employed under the Administration. Some of these men had qualifications for business; others had offices in the Excise and Customs, because they were eminent in literature; but now we should not be satisfied if a Gentleman were appointed a Commissioner of Excise because he was an excellent poet. Such things used to be done in former times, but they were not done now. He thought that the appointment of Mr. Panizzi had been fully vindicated by Mr. Speaker, and he trusted that there would be no further opposition to the Vote.

Mr. MONCKTON MILNES said, he flattered himself that the discussion he had raised had not been without some benefit, although, if the principle advocated in some quarters were carried out, no objection could be taken to the highest posts in the Administration being held by gentlemen who had distinguished themselves in the cause of representative government in other countries. He had brought forward the case of Mr. Panizzi solely upon public grounds, and he could not say that his opinion had been in any degree changed by what had taken place in the course of the present discussion. He willingly admitted the high qualifications of Mr. Panizzi, but he still maintained that, in the rarity of offices which public opinion allowed to be filled by literary men of practical ability, it was not right that the post of chief librarian in the British Museum should be given to a foreigner. At the same time, he should be glad to hear that the appointment was confirmed by public opinion and justified by the conduct of Mr. Panizzi himself.

Vote *agreed to.*

(1.) Motion made, and Question proposed—

"That a sum, not exceeding £18,626, be granted to Her Majesty, to defray the Expense of the General Board of Health, to the 31st day of March, 1857."

Mr. MICHELL said, he could not allow this Vote to pass without protesting against it. He objected to it on the ground that the Board did far more harm than good. It had introduced disease into Croydon, Sandgate, Lewisham, and every other place with which it had meddled, and he believed was kept up merely for the sake of the fat salaries connected with it. The Board of Health, which was first established as a temporary Board, was now rendered permanent; and the expenses, which in 1852 were only £1,355, had been increased to the enormous sum of £18,000 a year—which, with £1,300 granted as pensions since the establishment of the Board, amounted to £19,300. He should like very much to know what those pensions were for. But independent of the expense, the Board was of the most mischievous character to the country at large. He objected more particularly to the large salaries given under the Act. The medical officer received £1,500 a year. The Estimates of the civil service were increasing in an almost incredible degree; and considering that the Board of Health had become a greater nuisance than the nuisances it was intended to remedy—that it had introduced dissatisfaction into every town into which it had been introduced, of which he could name numerous instances, he should move that the Vote be reduced by the sum of £6,266, the amount which had already been expended.

Motion made, and Question proposed—

"That a sum, not exceeding £6,266, be granted to Her Majesty, to defray the Expense of the General Board of Health, to the 31st day of March, 1857."

Mr. W. WILLIAMS said, he also thought that the salary of the medical officer was too high. When the person who held the office was the medical officer of the City of London, his salary was something like £500. The salaries of the medical officer of the principal metropolitan parishes, who had most extensive duties to perform, ranged from £400 to £500.

Mr. MILES said, he thought that the appointment of such an officer was a necessary one, but he certainly considered that £1,200 a year, which would be the amount the medical gentleman in question appeared to be receiving before he was appointed, was sufficient.

Sir BENJAMIN HALL said, that, in the unavoidable absence of the President of the Board of Health, he would beg to state that when Mr. Simon was the medical officer of the City of London, his salary was £800, in addition to which he was able to obtain £400 from private practice; he therefore considered £1,500 was not too much for a person of such ability and eminence.

Mr. MAGUIRE said, he thought that some explanation ought to be given as to what were the duties of the medical officer.

Mr. MOWBRAY said, that if they compared the salary of the medical officer of the Board of Health with that of County Court Judges, Charity and Ecclesiastical

Commissioners, it would appear enormously high.

Mr. BLACKBURN said, he wished to call attention to the great number of subordinates in the department, including four superior officers and five clerks, at an expense in the aggregate of £5,000 a year. He thought the whole subject of these salaries ought to be investigated.

Mr. BARROW said, he thought that the Board of Health was altogether unnecessary: he wished to know what the duties of the two travelling inspectors were?

Sir BENJAMIN HALL said, that it was quite a mistake to suppose that the medical officer of the Board of Health had nothing to do. There were constant applications from all parts of the kingdom, which he had to consider, besides a great variety of other duties. The advantage of having a medical officer to refer to was strongly felt on the occasion of the outbreak of cholera in St. Martin's parish.

Mr. BELLEW said, he would suggest that the Motion should be postponed until the right hon. Gentleman the President of the Board of Health (Mr. Cowper) was able to attend the House. At present the information given upon the point was very unsatisfactory.

Sir HENRY WILLOUGHBY said, he would beg to inquire whether on this Board, an institution of modern date, there were any superannuations. He thought that the salary paid to Mr. Simon was too large: in St. George's parish they had selected a most eminent medical man, out of thirty candidates, at a salary of £250 a year. He must also contend that the President of the Board of Health was paid too much, the secretary too much, the medical officer too much, the only persons who were not paid enough being the clerks, who really did the work.

Mr. WILSON said, he wished to explain that Mr. Simon, at the time of his appointment, was in the receipt of £800 a year from the city of London, and his private practice was then worth £400 a year, and was gradually increasing; so that he did not think that £1,500 a year was too high a salary to give to that gentleman. The advice of the medical officer was necessary to the Board of Health in such questions as those relating to quarantine, vaccination, the closing of cemeteries, and a variety of questions of that nature.

Mr. BOWYER said, he could bear testimony to the zeal with which Mr. Simon had discharged his public duties. Many of his friends thought he acted very foolishly in retaining his appointment in the City, and advised him to throw himself upon his private practice, in which he must have rapidly risen to eminence. On acount of his eminent ability he was offered a Government appointment with a fair salary, and he accepted it.

Sir FRANCIS BARING said, he wanted to know how it happened that the expense for the year 1854-5 which amounted to about £5,000, had not been investigated in a former year? He understood that the money was not paid till April, 1855. If so, out of what moneys were the expenses paid? Was it out of the money voted for 1855-6? If so, that showed that a check upon those payments was not sufficiently accurate. There was another point to which he wished to advert. Here was a Vote of £6,000 required in advance on account of Civil Contingencies. He had no objection to these advances in a small way; but when they voted £100,000 for Civil Contingencies, and it was found that they had got, besides, this Vote of £6,000, it was quite clear that a larger sum for Civil Contingencies was really voted than appeared in the Estimates. Their own Chairman had stated in his Report that there was not a sufficient check upon these Civil Service Votes. Here was a case in point, which showed that the Committee ought not to rest where they were, but that they ought to look into the state of their accounts.

Mr. WILSON said, the difficulty which his right hon. Friend had started was easily explained. The Vote of £100,000 for Civil Contingencies was for the purpose of providing for unforeseen charges. Here was an unforeseen charge. A great epidemic broke out, which made it necessary for Government to call in the aid of medical men. Parliament was not sitting. The Civil Contingencies were the only fund to be applied to in a case of that sort. The money thus advanced was repaid by a Vote of Parliament, but the sums issued were never presented in the Estimates of the Civil Contingencies of the following year. It was a final payment.

Sir FRANCIS BARING said, the case against this mode of keeping the accounts was this:—the House of Commons Voted £100,000 for Civil Contingencies. There was a balance at the Exchequer of £10,000; therefore, according to the notion of Parliament, there was £110,000 for Civil Contingencies. But that was not quite all; because here was £6,000 voted to repay Civil Contingencies, and in several instances money was voted to repay Civil Contingencies. This was not a small sum; it was a considerable amount, which for two years had been owing to Civil Contingencies.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the explanation of his hon. Friend (Mr. Wilson) was perfectly intelligible; if the same sum appeared both in the Civil Contingencies and in the Estimate, it would be charged twice to the nation. It was necessary the items should appear under their different heads, and, therefore, sums paid out of Civil Contingencies were charged to repay Civil Contingencies under the heads to which they belonged.

MR. HENLEY said, the Committee ought to feel greatly obliged to the right hon. Member for Portsmouth for bringing this matter forward. Why there should be this circuitous course no one had explained. It seemed that out of the Civil Contingency Fund contingencies were not paid, but merely advanced, and repaid by Votes. Why should not such unexpected expenses as might properly be considered "Contingencies," be paid at once, out and out, from the Civil Contingency Fund? That surely would be the most simple course; and then the expenses in question would appear properly on the Civil Contingency Fund account. The expenses of medical inspection on occasion of epidemics were strictly contingent, and might properly be paid at once out of the Civil Contingency Fund. There had been no explanation why these expenses had not been brought before the House last year. Delay prevented their being fully understood; and the items of the present Vote were by no means properly stated in the Estimate.

LORD LOVAINE said, he was anxious to know whether Mr. Bazalgette, whose scheme had been reported against by the Medical Board of Health, had been appointed chief engineer of the Board of Works, and whether the inspectors were likely to come into collision with Mr. Bazalgette.

MR. WILSON said, in replying to the remarks of the right hon. Member for Oxfordshire (Mr. Henley) he would beg to state, that Civil Contingencies were in the nature of a banker's account for the purpose of supporting a balance from which all advances were made, which were not provided by Parliament at the time required. If all the sums paid out of Civil Contingencies appeared under that head, it would be impossible ever to contrast the expenditure in any department, because part of the charges of that department might be found under Civil Contingencies. For the convenience of comparing the expenditure in every department, each sum was brought under the different heads and voted to repay the Civil Contingencies. This establishment was appointed in the autumn of 1854; they were not paid until April, 1855. After the Estimates were printed they were paid out of Civil Contingencies, and the amount would now be repaid to Civil Contingencies. Of course, if the Government could have brought the sum under Vote at an earlier period, it would have been their duty to do so. If the sums paid out of Civil Contingencies remained definitely under that head, they would want £250,000 instead of £100,000 for the purpose. All these repayments went to supply the fund and lessened the amount demanded for Civil Contingencies. In reply to the question of the noble Lord (Lord Lovaine), he must inform him that the Government had nothing to do with the appointment to which he had referred.

SIR FRANCIS BARING said, he thought the hon. Secretary for the Treasury had given a rather lax construction of these Civil Contingencies, when he likened them to a banking account. The heads of departments, if they understood that the Civil Contingencies were a bank from which they could draw whatever they spent over the Estimate which Parliament had voted for them, would, of course, have no hesitation in coming to it, but if they found a difficulty in getting money he apprehended that they would look twice before they exceeded their Estimate.

SIR HENRY WILLOUGHBY said, he wished to know if there had been any superannuations under the new Act?

SIR BENJAMIN HALL said, that when the new Board of Health was formed a retiring pension of £1,000 a year was given to Mr. Chadwick, and subsequently Dr. Southwood Smith had an allowance of £300 a year granted to him.

MR. SEYMOUR FITZGERALD said, he wished the Committee to contrast the treatment of Dr. Southwood Smith with that experienced by Dr. Barlow, who, after serving the public thirty-two years in connection with the Board of Health in Ireland, was obliged to retire without any superannuation, on the ground that he had not contributed by deductions to the superannuation fund.

Mr. W. WILLIAMS said, he could not see what duties the medical officer of the Board could have to perform, as every parish in the metropolis had its own medical officer.

Sir JOHN SHELLEY said, the duties of that officer lay not in the metropolis, but all over the country.

Mr. BARROW said, that he would take the earliest opportunity of moving for a return of the number of journeys made by the medical officer of the Board of Health during the last twelve months.

Mr. MICHELL said, he thought the money paid to this officer was entirely thrown away, and, for his own part, he would like to see the Board abolished altogether.

Mr. W. MILES said, that as the medical visitors in lunacy received only £500 a year each, he thought £1,500 a year was an exorbitant salary for the medical officer of the Board of Health.

Mr. BLACKBURN said, he would beg to ask whether any hon. Gentleman could say that this medical officer had visited country districts ? for, as it was admitted that his services were not needed in the metropolis, unless he had benefited the country he (Mr. Blackburn) could not understand how the Government could persist in pressing the Vote.

Mr. WILSON said, the medical officer of the Board of Health had, as he had previously stated, many important duties to discharge. He was consulted upon a great number of subjects, and especially, on the application of local boards, with reference to epidemics which broke out in particular districts. Suppose an epidemic were to break out again in London, if no provision of this kind were made the Board of Health would be blamed for their negligence ; but the fact was, that when such visitations had passed away their danger was forgotten, and no precautions were thought necessary to prevent their recurrence. His right hon. Friend (Sir B. Hall) had deservedly received great credit for the duties which he had formerly performed in connection with the Board of Health, and that right hon. Gentleman had stated to the Treasury last August that the services of a medical officer of the highest character could not be obtained for lower remuneration than was proposed by this Vote. Considering the important duties which devolved upon that officer, he (Mr. Wilson) thought the amount of his salary was a matter of secondary consideration.

Captain DUNCOMBE said, that in the district in which he resided one-fourth of the population was last year suffering from small-pox. An application was made to the Board of Health for assistance, but the answer was, that they could give none, and that the local authorities must do the best they could.

Question put, and *negatived.*

Original Question again proposed.

Mr. MILES said, he should move the reduction of the Vote by £300.

Motion made, and Question put—

"That a sum, not exceeding £18,326, be granted to Her Majesty, to defray the Expense of the General Board of Health, to the 31st day of March, 1857."

The Committee *divided:* — Ayes 63; Noes 154: Majority 91.

Original Question put, and *agreed to.*

FIRE INSURANCES BILL.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER, in moving the second reading of this Bill, said, it was intended to supply a defect in the existing law. By the existing law the duty of 3*s.* per cent per annum on fire insurances was only chargeable where the insurance was effected by a head office established in this country. Now, it was obvious, that companies established in England could not compete with foreign houses having agencies over here, unless both were placed upon the same footing, and made liable to the same duty. The purpose of the Bill, therefore, was to effect that object.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. WILKINSON said, he believed that the Bill would have the effect of driving a very lucrative business from the country, and that it would be impossible to prevent foreign companies having agencies in England ; he must therefore oppose the further progress of the measure. The only mode of meeting the difficulty was, for the right hon. Gentleman to reduce the duty upon fire insurances, so as to place all companies, foreign and domestic, upon the same footing. He should move that the Bill be read a second time that day six months.

MR. HANKEY seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. EVELYN DENISON said, he greatly feared that the result of the measure would be that described by the hon. Gentleman who now proposed its rejection. We invited France to freedom of trade and free communication with this country, and yet the moment anything arose that offered an advantage to France the Government interfered with a Bill of this kind. He believed the Bill would be entirely inoperative. They might object to having accredited agents in this country, but they could not prevent communication by letter, and therefore they would only drive away the insurance business from this country. The duty had for a long time been liable to strong objections, and, in his opinion, the Bill would be inoperative.

MR. BAXTER said, he hoped that the right hon. Gentleman the Chancellor of the Exchequer would not, at that late hour—a quarter past twelve—proceed with a measure which was regarded with very strong feelings of disapproval by hon. Gentlemen on both sides of the House, as being a step in a wrong direction. In his opinion, the question which that House ought to consider was, the propriety of reducing the duty upon all insurances, a step which would, he believed, ultimately tend to increase and not reduce the revenue.

THE CHANCELLOR OF THE EXCHEQUER said, he must deny having introduced the Bill without full consideration. Some time ago a deputation of gentlemen connected with insurances offices had waited upon him, and had represented to him that they were exposed to great danger from an agency which had been opened in London for a foreign office, and they begged him to lose no time in bringing in a Bill for their protection. He had upon that occasion stated that he would not introduce a measure until he was satisfied that the danger which they apprehended was real, and not imaginary. The result of his inquiries had been, that the danger apprehended was not an imaginary one, and he had consequently introduced the present Bill, although certainly not without incurring the reproach of supineness for not having brought it in at an earlier period, and he believed that the Bill would have the effect of protecting English companies. There had never been any law against persons insuring in foreign offices, but it had been found, hitherto, that notwithstanding the facility of communication and the ease with which insurances might be effected in Paris, in Amsterdam, or in Hamburgh, from the fear of encountering foreign litigation, and from a dislike to transacting business through foreign agents and foreign lawyers, and in a foreign language, few insurances had been effected in foreign offices, although a higher rate of premium was charged upon insurances in this country. As to reducing the duty, he could only repeat what he had said on a former occasion, that all taxes were liable to objection, and a plausible objection might, with little ingenuity, be raised against every tax. Looking upon the question as a matter of revenue, the tax in the year 1855 had produced in England alone £1,282,000, and at present the country was not in a condition to be able to part with so large a source of revenue. When this duty was first imposed in the year 1782, it was fixed at the rate of 1*s.* 6*d.* per cent, and in the year 1792 it produced £138,000. It was then raised to 2*s.*, and the amount of the tax had still gradually increased, and after being raised to 2*s.* 6*d.* it was ultimately fixed at 3*s.* Now, during the whole period the amount of the tax had gone on increasing until, in England alone, in the year 1855, it amounted to £1,282,000. It was now proposed to lower the duty to 1*s.* per cent, which would be 6*d.* less than the original duty. Now, in 1833, in consequence of the number of incendiary fires, farming stock was exempted. He would assume that exemption removed, and the utmost revenue that could be reckoned upon would be about one-half, or £600,000. The whole general property now insured was £870,876,000, and farming stock, not paying duty, £64,812,000. The speculation about the increase of insurances was so very uncertain that no cautious person would build upon it at such a time as the present. The arguments which seemed to prevail with the hon. Gentleman who last addressed them might be very sound when they had an opportunity of considering the appropriation of a surplus revenue. He confessed that he had not himself looked at the subject in that point of view. It involved a revenue of nearly

£1,300,000, to which, hitherto, no serious objection had been made. Under the circumstances, he therefore hoped the House would consent to let the Bill be read a second time, and the question of a reduction of duty might be deferred to another occasion.

Mr. HENLEY said, no doubt the loss of that amount of revenue was a serious consideration. The right hon. Gentleman would not, he supposed, deal with the agency of any company established in London unless it were doing a good business. The Bill appeared to him to be so much waste paper; he could not conceive anything more inoperative. An agent might be appointed whom the Bill could not touch. They might carry on their business under the provisions of the Bill, and the Bill would only serve to lose to the right hon. Gentleman his revenue, and to give endless worry to the public. The information as to the way in which these insurances were to be done would spread, and the only way to meet the difficulty would be to lower the duty. People were not fond of going abroad, and until they lost a great deal—something like double the amount, which was the case at present—they would rather effect their insurances at home.

The CHANCELLOR of the EXCHEQUER said, that the Bill seemed to him calculated to do all that the Legislature could do on the subject. It effectually operated on insurance offices connected with foreign establishments in this country; but as to putting down insurance offices abroad, that was impossible. He had fully considered all the questions connected with the subject, and he still thought that the Bill would effect the object desired.

Mr. KINNAIRD said, he thought the subject was one which required further consideration. The prudence against which that tax was directed ought to be encouraged rather than discouraged. He was sure that if a great reduction were effected in the duty on insurances the full amount of the tax would be received in the space of not very many years. In conclusion, he should move that the debate be adjourned.

Mr. MILNER GIBSON said, he believed that discussion would serve to make known to many people in this country a fact which they did not know before, namely, that they could effect their insurances at a great saving in France. The Bill could not, he believed, settle the question which it involved. He confessed he entertained a strong expectation that, now that peace had returned, the right hon. Gentleman the Chancellor of the Exchequer would imitate the bold policy of his immediate predecessor (Mr. Gladstone) and of the late Sir Robert Peel, and would remit many obnoxious taxes, however difficult it might be for him to find substitutes for them. He (Mr. M. Gibson) considered that it was not the business of independent Members of the House to point out those substitutes to the right hon. Gentleman. He hoped the right hon. Gentleman would agree to the Motion for the adjournment of the debate, as the subject manifestly required more consideration than they could bestow upon it at that moment.

Mr. BENTINCK said, he was quite prepared to support the Bill. He had felt much pleasure in hearing the right hon. Gentleman the Chancellor of the Exchequer that evening advocate the principle that it was the duty of the Government of this country to protect British capital against foreign competition. He hoped that the right hon. Gentleman would persevere in the course on which he had entered, and that in his approaching Budget his recantation of his former doctrines would be frankly carried out.

Mr. TITE said, he was in possession of a few facts bearing upon the question, which he was anxious to state to the House. He found that the French company lately established in London charged 2*s.* for insurances in this country, while in France they charged only half a franc, or rather less than 5*d.*, for insurances of the same amount. The diminished charge which they imposed in their own country was owing to the fact that there what was called the "average clause" was universally adopted. Under that clause a person effecting an insurance policy only got, in case of an accident, a sum proportioned to the value which his insurance bore to the whole of the property; so that if a man insured for £3,000 a property worth £9,000, and if that property was damaged to the extent of £1,000, he did not receive the whole of that sum, but merely one-third of the amount. The insurances were thus much more cheaply effected in France than in this country, and the practice of insuring was in consequence much more extensively adopted. The value of the whole of the property insured in England amounted to little more than

£900,000,000; the value of the property insured in France, a much less wealthy country, amounted to £1,500,000,000. He should be glad to get rid of the tax altogether; but he doubted whether the money raised under it could, for the present, be spared. He believed that if the "average clause" were introduced into England, and if the duty were reduced to 1*s.*, we should be able to derive as large a revenue from that source as that which we at present received.

SIR SAMUEL BIGNOLD said, it was the opinion of the principal insurance offices in this country that this measure would operate both as a protection to the revenue and to the interests of the British companies. The remission of the tax in regard to agricultural produce had led to a very large increase in the amount of property of that description insured; and if the present tax were reduced to 1*s.* it would require £2,700,000,000 of property, instead of £900,000,000, to be insured to sustain the revenue at its present point.

MR. WILSON said, he did not think the question of free trade was in any way involved in the proposed measure. If a malt tax were imposed in this country there would surely be no violation of the principle of free trade or of any principle of common sense in declaring that, although people might obtain malt duty free in France, Frenchmen should not therefore be allowed to sell malt duty free in England. But that was a case precisely analogous to the present. It was true that Englishmen might go abroad for the purpose of effecting insurances, but they rarely availed themselves of that power, because they felt that there were special advantages in their insuring at home. They had here greater facilities for legally recovering claims, and they had a greater certainty that the companies with which they transacted their business were perfectly solvent. But it did not follow that because we could not impose a tax on foreign insurance companies when they remained abroad, we should not, therefore, impose a tax upon them when they came to transact business in this country. If the Bill was thrown out, they would not effect the point in issue. They only permitted a French office to come to this country, and establish an office in Regent Street, in Cornhill, in Manchester, or in Birmingham, to compete unfairly with English offices.

MR. E. BALL said, the hon. Member (Mr. Wilson) had propounded such a sound doctrine that he should give him his support.

MR. VANCE said, he must deny that the case of malt made in France was a parallel case. Insurances could be effected by letter. Sea insurances abroad did not prevail to any great extent, because the English duty had been reduced.

SIR WILLIAM JOLLIFFE said, he did not approve of the adjournment of the debate. He did not think that the Bill would, as asserted, serve as an advertisement to show the advantages of French insurance over English insurance. But if this were the case, the danger might be obviated by making such a reduction in the property tax with respect to property insured as would meet the exigencies of the case.

THE CHANCELLOR OF THE EXCHEQUER said, he would not take the credit or blame, as it might be, of having proposed this Bill in ignorance. The question had been fully considered, and his impression was, that the Bill would be as operative as could be expected. He believed it would be as effective for its purposes as other measures of a similar nature usually were. The object was to remedy a defect in the law, as he had already stated. The question had no reference to the amount of the duty. If the duty were reduced to a shilling, his proposition still would be to pass this Bill. There was at present an unjust differential duty against English insurance companies, and this the proposed Bill sought to remedy. If, however, the House thought they were not in a position to come to a satisfactory decision he had no objection to adjourn the debate; but in so doing he must say he had heard nothing to shake his confidence in the Bill, which he believed to be a proper measure and adequate for its purpose.

Debate *adjourned* till Friday.

The House adjourned at a quarter before Two o'clock till *Thursday.*

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HOUSE OF LORDS,

Tuesday, April 22, 1856.

Their Lordships met; and having gone through the business on the Paper, House adjourned to Thursday next.

HOUSE OF LORDS,

Thursday, April 24, 1856.

ENGLISH AND SCOTCH MARRIAGE LAW.

LORD BROUGHAM, in *presenting* a petition from magistrates of Cumberland, as parties charged with the suppression of vice and immorality in their county, for an alteration of the law affecting marriages (Scotland), said, he trusted that this petition would command the attention of the House, and especially the attention of his noble and learned Friend on the woolsack, of his noble and learned Friend the Lord Chief Justice, and of his noble and learned Friend behind him (Lord Lyndhurst). It emanated from the magistrates of the county of Cumberland, assembled at quarter sessions, who approached their Lordships with a complaint, in his opinion well-founded, of the evil consequences which resulted from the conflict of the marriage laws of England and Scotland on the borders of the two countries—a state of things which in no part of the civilised world was surpassed in absurdity and inconsistency, and the injurious effects which it produced upon the morals of the people. It called for a decisive remedy. But the evil was not confined to the county of Cumberland; it extended to all the counties on the border, in which almost every restraint on improvident marriages was removed by the contiguity of a country where a totally different law of marriage existed. In the conterminous counties of England and Scotland, Lord Hardwicke's Act was a mere dead letter, for there, every day, marriages were contracted without the knowledge or consent of parents, guardians, or friends. The petitions alleged that since the beginning of November upwards of 100 of these marriages had been celebrated at Gretna Green. At another place, where there was a register kept, 400 marriages had been celebrated, it turning out that the register was not at a blacksmith's shop, but at a public-house; and it appeared from the statements in the petition that the parties were often under the influences of the other wares sold at this public-house at the time of marriage. It was not at all proposed to alter the law with respect to England, or to Englishmen domiciled in Scotland; all the petitioners desired was, that an end should be put to that disgraceful conflict of the laws of marriage which enabled a man, by moving a few yards, to evade the law of England. Formerly, in 1835, with the concurrence of his noble and learned Friend (Lord Lyndhurst), he had introduced a Bill to remedy this evil. But he felt that it would be impossible to confine the question merely to marriage. Divorce must be made a part of any measure on the subject; for the going to Scotland to obtain a marriage was no more a violation of the law of England than going there to obtain a divorce, and both ought to be put upon the same footing. He thought that residence of at least a fortnight in case of marriage, and residence of a month or six weeks in case of divorce, ought to be required in Scotland. If this plan were adopted, there would be an end put to a system which permitted such absurdities as that a man might be married in Scotland, but not married in England, and his issue might be legitimate on the north side of the Tweed, and illegitimate on the south. A case of the greatest hardship and cruelty had occurred in consequence of this conflict of law. He meant the case of Mr. Laurie, a most respectable merchant of Liverpool, who had obtained a divorce in Scotland which declared that he was a free man, and might marry again, but who married a second time—not in Scotland, but in England—and who was convicted of bigamy, and sentenced to seven years' transportation—a punishment which was commuted to a year's imprisonment at the hulks. The reason for his conviction was, that the law should be made perfectly clear. He mentioned this case as an illustration of the evils which were produced by this conflict of the English and Scotch laws on the subject of marriage and divorce.

LORD CAMPBELL said, the law in its present state was most disgraceful and mischievous—along the whole border, from the German Ocean to the Western Sea, it was productive of the most immoral effects. The description given by the Cumberland justices was not exaggerated; but he would by no means confine the remedy to that which they suggested. He would have the law of Scotland amended with respect to Scotchmen as well; and he did not despair of seeing such an amendment made for the more certain and proper performance of the most important of all human contracts.

LORD BROUGHAM entirely agreed that Parliament ought to go considerably further than the Cumberland magistrates petitioned for, and further even than was proposed by his own Bill of 1835, in which he had confined himself to an attempt at remedying the conflict of the English and Scotch laws.

The Earl of MINTO said, that he rose briefly to express his sense of the importance of this matter, and to bear his testimony that the effects of the present state of the law of Scotland were quite as grievous in Scotland as they were on the border in England.

The Earl of ABERDEEN said, that having been one of those who opposed the Bill of 1835, his opinion was not in the least changed about the matter now. If such a measure were again introduced it should meet with his opposition, and with an effectual opposition, he trusted, in the House of Commons. He admitted that the evil stated by these petitioners did exist; but it might be remedied without altering the law of Scotland with respect to marriage—a law to which the people of that country were devotedly attached, and which was sanctioned by the good effects which had resulted from it.

Petition read, and ordered to lie on the table.

THE FALL OF KARS.

The Earl of MALMESBURY: It may be in the recollection of your Lordships that before we separated for the Easter holidays, when the noble Earl the Secretary for Foreign Affairs had gone to Paris, I gave notice of my intention to submit a Motion on the subject of the surrender of Kars. I regret that the inevitable absence of the noble Earl has hitherto prevented me from redeeming that promise, for I feel that the subject is of such importance that it ought to have been submitted to your Lordships' consideration as soon as possible after the event. But I hope that you will not, because of the time that has elapsed, be forgetful of the great interest that attaches to the event to which I allude, as well on its own account as with regard to what has followed. I could have wished that the question had fallen into the hands of some one better qualified than myself to present it to your notice in a lucid and intelligible manner, and to demonstrate its consequences; but since this is not the case, I must beg of your Lordships to make yourselves familiar with the subject, by casting a glance over the book that contains the papers relating to the operations in Asia Minor. And I make the request with the less reluctance, because the volume in question contains matter of the most romantic interest, such as is seldom possessed by a book of that colour. Notwithstanding the interval that has elapsed, I do not believe that any of your Lordships will be of opinion that an event so important as the surrender of a great fortress and a gallant army can be passed over in silence by this House. Rejoicing on this, and on many accounts, to see the Foreign Secretary in his place, I beg to lay upon the table a copy of the Resolution I mean to submit for your Lordships' consideration on Friday next—

> "That while this House feels it to be a duty to express its admiration of the gallantry of the Turkish garrison, and of the self-relying courage of Major General Sir W. Williams and the British officers at the siege of Kars, it feels it equally a duty to declare its conviction that the surrender of that fortress and of the army which defended it, disasters which endangered the safety of Asiatic Turkey and affected our influence in the negotiations for peace, are in a great degree owing to the want of foresight and energy in Her Majesty's Government."

THE NAVAL REVIEW.

Lord RAVENSWORTH said, that, as he saw in their places the noble Lord the President of the Council, and many other noble Lords who had suffered with himself from the inconveniences and delays which had arisen in the conveyance of their Lordships to and from the naval review at Spithead on the previous day, he might perhaps be permitted to call attention to the defects in the arrangements which had led to those unpleasant circumstances, and to ask some explanation from the Government. Nothing could be more perfect in theory than the plan which was originally devised by the Government, by which the yacht which conveyed Her Majesty on her progress through the magnificent line of ships was to be followed by one which was to contain Her Majesty's faithful advisers, the Lords Spiritual and Temporal, and this was to be succeeded by the vessel on board of which were the Members of the House of Commons—symbolising the monarchial, the hereditary, and the popular estates of the realm, the representatives of which were to float together in the midst of that great display of the naval power of Britain. The theory was perfect; the misfortune was that it entirely failed of realisation. Though he did not wish to attack any noble Lord in that House as being directly responsible for the failures of the day, he must say that they were mainly attributable to the want of proper discrimination on the part of the Lords of the Admiralty, in selecting a proper vessel for the conveyance of their Lordships, together with the mismanagement that was so evident on the part of the railway functionaries. The first thing that occurred after starting, at seven o'clock in the morning, was a delay of at least two hours occasioned by the breaking down of two engines. For this he attributed no blame to Her Majesty's Government. After great delay and inconvenience their Lordships arrived at Southampton, where there was but one large tender, the *Harbinger*, for the conveyance of the Members of both Houses of Parliament. In consequence of this it was at least an hour before they all got on board the tender, and then the crowded state of that vessel occasioned further loss of time in embarking them on the two steamers, *Transit* and *Perseverance*. At length, between twelve and one o'clock, and after they had been informed by some noble Lords who had gone down on the previous night that the most imposing part of the display was over, the salute on the arrival of Her Majesty having been fired an hour and a half before, the *Transit*, which had been appropriated to the conveyance of their Lordships, got under way. She had not, however, proceeded far before she was passed by the *Perseverance*, having on board the Members of the House of Commons, and the second estate of the realm became the third, in which position it continued during the remainder of the day. In the course of time the *Transit*, notwithstanding the defective engines with which she was supplied, reached the pivot ships at the easternmost point of the line, from which position they witnessed that grand and magnificent movement, the advance and wheeling of the line of ships, the only spectacle which they had to repay them for the fatigue which they had undergone. Now, it appeared that this ship, the *Transit*, had been supplied with engines which were originally made for our late enemy the Emperor of Russia, and which were so defective in construction that on her last voyage to the Mediterranean the whole of her machinery gave way, and it had not since been put into proper condition. The result was that, in a short time, this immense ship, of 2,400 tons burden, became almost like a log upon the water. By orders from high authorities no smoke was to be allowed on board; but without smoke there could be no fire, and without fire the steam power could not be increased to make those defective engines do their duty, and the result was, that on the return she hardly made any way. Little as was the way she made, it was, unfortunately, enough for her to run down a gunboat, by which collision both vessels were seriously damaged, and a marine received injuries so severe that he (Lord Ravensworth) did not know whether they might not be fatal. Although she did this, however, she did not make way enough to enable their Lordships to reach the harbour of Southampton until ten o'clock. At that time the return was effected by means of a very active but very small steamer called the *Monkey*, owing to the disproportion between which and the *Transit*, and the consequent crowding of the former, there was a great deal of inconvenience and not a little danger. The latter was considerably increased by the fact that, as she neared the pier, the tiller ropes of the *Monkey* broke, owing to which there was much difficulty and delay in wharfing that vessel. As soon as she was wharfed there was a rush to the railway station. Ladies and gentlemen, noble Lords and right rev. Prelates, all made for the station as fast as possible. First-class carriages were soon all occupied, second-class ones were in requisition, and one right rev. Prelate and a Privy Councillor took refuge in a third-class carriage. At last the train reached London, and their Lordships were deposited at the railway station at three o'clock in the morning. Thus the termination of this day of pleasure was, that noble Lords and ladies were running about the platform seeking in vain for a carriage or a cab to take them home. How many of the ladies reached their residences he could not say. Fortunately he had himself none under his own care. The blame of all these delays and inconveniences rested, in his opinion, with those by whose management an improper vessel of enormous size and without sufficient means of propulsion was appropriated to their Lordships. To this fact he attributed all the misadventures of the day, and he thought he had a right to ask from the Government some explanation of the reasons which led to the appropriation of so large and so improper a vessel for this service.

Further than this he would at present express no opinion upon the subject except to say, "*Sic transit gloria mundi.*"

EARL GRANVILLE: I am afraid I am not the best person in the world to answer the very serious charges which have been brought forward by my noble Friend, having myself been one of his fellow-sufferers, and having experienced some disappointment at missing a considerable portion of the magnificent spectacle of yesterday. At the same time I am bound to say, that I think my noble Friend has exaggerated the blame which can be attached to the Government. He certainly made a very fair exception at the beginning of his speech, when he exonerated the Government from all blame for the engines of the South-Western Railway Company having broken down; but I think he has been misinformed as to the character of the ship which was appropriated to the conveyance of your Lordships. It is a very large and a very fine ship, and I am sure that all the noble Lords who were on board it will bear testimony to the great care which had been taken to provide for the comforts of your Lordships both as to accommodation and refreshments. No doubt it would have been very much better had there been two small tenders to take your Lordships on board, instead of the one large one. When we did stop it was not from any defect in the engine, but because the fires were let out, by which the steam power was lost. As no Lord of the Admiralty has yet returned to town, I have not been able to make any inquiries as to who was really to blame; but, whatever mismanagement there may have been, it is clear that the general Government cannot be made responsible unless it should neglect, after inquiry, to punish the persons who are to blame. Several noble Lords on board were kind enough to try to fix the whole responsibility of the affair on me, which, as your Lordships may imagine, did not at all increase my enjoyment of the day. I was particularly desired by some to go down and poke the fire, but, with an unusual degree of modesty, I declined to undertake the command of even a small fraction of the Channel fleet. There is one consolation, however, to be derived from the misadventure —that the day furnished another proof of the enormous mental and bodily strength of my noble Friend the Lord Chief Justice, because, though my noble Friend was away from his house for twenty-four hours, he was able to attend in his place in the Court of Queen's Bench this morning, and he has to-night taken part in a discussion relative to the Scotch marriage law. I can only say that I will take care, when the First Lord of the Admiralty returns to town, that all proper inquiries shall be made on the subject, and that if there has been any negligence the persons to blame shall be punished.

THE EARL OF MALMESBURY: I should not advise my noble Friend behind me to move a vote of censure on Her Majesty's Government this time, though it certainly was a practical joke of the most unpardonable character to have been promised so much pleasure, and to have been kept twenty-two hours in attempting to attain an object which we really only reached half-way at last. What I rose to observe upon was, the extreme confidence—not the modesty—of the noble Earl opposite, in answering my noble Friend behind, giving your Lordships to believe that he was present the whole time, that he saw all our misfortunes, and participated in them. From his high position, he was of course looked upon by all on board as the captain of the vessel—meaning, that is, that he would stick by her so long as her timbers held together. Far from that, my noble Friend, with his usual sagacity and acuteness, about half-past three, seeing how matters went, and how unlikely it was that he should see his home that night if he stayed with us, deserted the ship, and, having found very comfortable quarters on the coast of the Isle of Wight, to our great consternation hailed a small boat and left us to our fate. That fate has not been at all exaggerated by the noble Lord behind me; for the rest of the day we were passed by ship after ship, by carriage after carriage, and most of us had to walk home from the Waterloo Station at half-past three this morning.

LORD CAMPBELL: I can testify to the great courtesy of the noble Earl the President of the Council, so long indeed as he remained with us, but he certainly did desert us in a moment of difficulty and in the midst of evils which he must have seen as much as your Lordships. As I found it impossible to assist in the administration of justice in Westminster Hall on this great holiday, I thought it was my duty to show my respect to Her Majesty, and to join those who were to follow in

Her wake when making this great progress through her naval forces. I certainly met, in common with all of your Lordships who were there, with great disappointments. I acquit Her Majesty's Government of all blame for our late arrival at Southampton, and, although neither my noble Friend nor the First Lord of the Admiralty, nor the Government generally, can be held responsible for what followed—for the plan traced out for us was excellent in itself—yet there certainly was such gross mismanagement somewhere as to give one a clear idea of what happened at Balaklava. Nothing happened except the breaking down of the railway engines, which could not have been avoided. There was gross mismanagement in having so small a tender to act with such an enormous steamer as the *Transit.* It might have been easily seen that, under the most favourable circumstances, it would have taken an hour or more to transfer the passengers from one vessel to the other; and had there been anything of a swell, we never could have all got from one vessel to the other. Fortunately, we had fair weather — for which, however, we have not to thank the Government. The *Transit* at last weighed anchor, but it was necessary for two learned Judges of the Superior Courts of Westminster, my learned Brethren, who were on board, to work at the capstan. We had three right rev. Prelates on board, but I do not know whether they lent a hand or not. One of the Apostles, I believe, was acquainted with navigation, and I have no doubt under similar circumstances he would have assisted in the operation. We really had great reason to complain of this *Transit,* which, though a very large vessel, was quite unfit for the service. She had two engines, but one of them was permanently disabled, and the other was soon made useless by the fires being let out. It was eleven o'clock before we left Southampton, although we ought to have left at six o'clock, and such a scene of confusion I hope I shall never witness again. It certainly reflects very little credit upon those who ought to have made better provision. Judges, Prelates, and ladies of high rank were scrambling together for places in the train—one would have thought it was a Manchester excursion train. I had the good fortune to get a place, but I was not able to get home before four o'clock this morning. Thanks to that strength to which my noble Friend has alluded, I was able to attend in my place in the Queen's Bench this morning, and I am happy to say, therefore, that no ill consequences ensued to the administration of justice.

The Earl of CARDIGAN inquired whether, under the circumstances which had occurred with reference to the steamer which had been granted for the use of the House of Lords, there was not some subordinate of the Admiralty who was responsible for putting the vessel in a proper and fitting state to receive those to whom she was allotted? And he would also ask, if it was right to have placed at their Lordships' disposal a vessel which in the mid-channel between Cowes and Portsmouth, where the water was almost as smooth as a mill-pond, could only make three and a half knots an hour? It was said that this vessel, the *Transit,* was about to be sent out to the Crimea to bring back troops. If her performances were always of the character of those of yesterday, it ought to be matter of serious consideration before she was sent out to bring back any part of the army. This was the more important, as there had been great neglect in fitting out the vessels for the conveyance of troops.

The subject then dropped.

AUSTRIAN OCCUPATION OF PARMA.

The Marquess of CLANRICARDE rose to move for copies of the reports and correspondence of Her Majesty's Diplomatic and Consular Agents in Italy relating to the occupation of the territory and the assumption of the executive Government of the Duchy of Parma by Austrian authorities; and for copies of any communications thereupon between Her Majesty's Government and the Cabinet of Vienna. In asking for these papers, it was not his intention to express any opinion with regard to the affairs of Italy, and still less to ask their Lordships to come to any judgment on that question; for though he thought that the judgment of the British Parliament would not be improperly asked on such a question, yet it might be premature to ask such an opinion, while the House was uninformed on the subject. All that he asked now was information from the Government, and he hoped that it would be in the power of the Government to give some information with regard to facts and events which had occurred, and which he believed to be of so grave a character that it would be necessary that they should be considered not only by the servants of the Crown, but by the Parliament of this country. The House was aware that the state of northern Italy, and especially of the Duchy of Parma, had been for some time of so evil a character, that it showed the existence of very deep-rooted discontent and disaffection among the people of that country; and, more than that, there had arisen among them such a contempt of all law and authority as was likely to lead to lamentable consequences, and might lead to very grievous results. It was on these pretences, and in some degree it might be said for these reasons, that the troops of Austria had occupied the territory of Parma. There were, however, reports and rumours that Austria intended not only the occupation of the territories or duchy, but that she contemplated the seizure of the reins of government. If the Austrian Government had sent a force merely to save and protect the family of the reigning Sovereign from the personal dangers which might surround them, such a step would not be inconsistent with precedents, and was one which had been adopted by this country itself. But if the accounts that were current were true, Austria had taken political as well as military possession of Parma—had dismissed the Ministers of Finance and Police; the Post Office department was placed under Austrian authority, and, moreover, the Austrian troops extended over the whole territory, from Pontremoli to Piacenza. It was not, therefore, the protection of the reigning family that was intended, but the occupation of the whole country, and the assumption of the government. He did not ask the House to discuss the question of the character of such an occupation or the consequences to which it might lead, or whether the balance of power in Europe had or had not been disturbed by such an act on the part of one of the great Powers; nor did he propose to enter into the question of the state of Italy, north or south; but all he wanted was information as to what had really taken place, and what was the attitude taken by the Government of this country, and those of the other European Powers, on this point. The noble and learned Lord opposite (Lord Lyndhurst) had that evening given notice of a Motion which would bring on the discussion of this subject, and not only would he call on the House to discuss the subject, but he proposed to call on them to pronounce a strong judgment on the question. That circumstance strengthened him (the Marquess of Clanricarde) in the opinion he had formed of the necessity for the House having early information on the subject; for it would be contrary to usage as well as to convenience for the House to be called on to give an opinion on a matter on which they were imperfectly informed. It ought to be known if it was true that the Austrian troops occupied the country only in order to repress any casual insurrection that might occur, for of such insurrection there was no account, and the Austrian forces were disposed in a mode which looked very much as if further aggression was intended against Parma. If danger were apprehended to the reigning family, the Piedmontese troops might have been called on to interfere rather than those of Austria. But the position of the Austrian army forbade the supposition that the purpose intended was merely to put an end to insurrection, or rebellion, or any disturbances which might threaten the safety of the reigning family. He thought it better to make no further remarks at present, but he thought he had said enough to justify his asking for information from the Government. If his noble Friend (the Earl of Clarendon) refused to give that information now, perhaps he would be able to give an assurance that he would, at an early day, take into consideration the propriety of giving to the House such information on this subject as they ought to possess; for it would be a very lamentable thing that this country, having just ended a war by a peace which they thought would be satisfactory, should enter upon another much more sanguinary and costly.

THE EARL OF CLARENDON: I am sure my noble Friend will not expect me to enter into any general explanation on the subject which he has brought before your Lordships, because the noble and learned Lord opposite has given notice of a Motion which I understand is of such a comprehensive nature as will bring the whole subject under consideration, and I hope shortly to be able to show the House that the question of Italy has not been disregarded by Her Majesty's Government. I am at present unable to lay before your Lordships any correspondence calculated to throw light on the events which have taken place in Italy; but I am prepared, in answer to my noble Friend, to give him such information as we possess. It appears that ever since the assassination of the late Duke, Parma has been in a most unsettled state. For this I do not believe that the Duchess Regent is to blame. Her Government has been wise and moderate, and I believe she has displayed great forbearance and good sense. But the Government is weak in Parma, which has been the resort of persons desirous of promoting political troubles; and it is said that the agents of secret societies have been particularly active there. This unsettled state of affairs continued to prevail, and the persons who conducted the investigation into the assassination of the late Duke and others employed in the judicial investigation of political offences in the duchy, appeared destined to the same fate. Two political murders having been committed, and a dangerous spirit having been manifested, and considerable public alarm having been the consequence of these acts, the Duchess Regent declared Parma in a state of siege, and the Austrian general, Crenneville, as senior officer there, took the supreme command of all the troops. But, as I gather from my noble Friend, he appears to think that Austrian interference took place in pursuance of a convention entered into in consequence of recent events. Such has not been the case. A treaty was agreed to between Austria and the late Duke of Parma and Modena, in the year 1847 or 1848, by which these Sovereigns were entitled to call upon Austria, and Austria was bound to send a sufficient force to maintain order, if public tranquillity were likely to be disturbed. This was done in 1849, and there has been since that time an Austrian battalion in Parma or the neighbourhood. When the state of siege was declared, General Crenneville wrote to Vienna to say that he should not require to have another man sent to him. There was, therefore, no special intervention, and no increased number of forces beyond that which Austria had already in the duchy. I am not able to give my noble Friend any account of the other events to which he alluded—of certain official persons being turned out of office; but I believe I am correct in saying that which I am assured of from Vienna, that there has been great exaggeration in the newspapers as to the account of Austrian force in the territory bordering upon Sardinia—that no fresh troops have been sent into the duchy, and no change made in their position.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 24, 1856.

MINUTES.] PUBLIC BILLS.—1° Rating of Mines. 3° Cambridge University and Town; Drafts on Bankers.

THE STAFF—QUESTION.

CAPTAIN LEICESTER VERNON said, he would beg to ask the hon. Under Secretary for War whether, now that the military branches of the Ordnance were transferred to the Horse Guards, the general officers from the scientific corps would be employed as general officers on the staff, in due proportion with the general officers taken from other branches of the service?

MR. FREDERICK PEEL replied, that there was no objection to general officers in the artillery and engineers being appointed to situations on the staff; but the number that could be so appointed must be limited, as the proportion of the scientific branches of the service to the rest of the army was not more than one in twenty.

INDIAN LAW COMMISSION—QUESTION.

MR. ATHERTON said, he wished to inquire of the right hon. President of the Board of Control whether any steps had been taken, or were contemplated, for carrying out the suggestions of the Commissioners appointed under the Act of the 16 & 17 *Vict.* c. 95, s. 28, to consider the recommendations and enactments of the Indian Law Commissioners; whether any measure was to be introduced, and when, for giving legislative sanction to such of those suggestions as required it; and whether it was intended to give further time, beyond the 20th day of August next, to the present or any other Commissioners, for framing a body of substantive civil law for the whole of India, as recommended by the second Report of the Commissioners?

MR. VERNON SMITH, in reply, said, that the Report of the Commissioners had been sent to India with the view of being submitted to the Council there. If the remarks of the Council, on the recommendations of the Commissioners, arrived in time, it was possible that he might be able to propose a Bill in Parliament during the present Session. The answer to the last question would depend entirely upon the information received from India.

THE NAVAL REVIEW.

Mr. STAFFORD: Sir, in rising to move that this House do now adjourn, I beg to express my strong sense of the excellence of the Government arrangements yesterday. Having witnessed the arrangements of the Government both at home and abroad, I desire to testify to the oneness of the system and the similarity of the principles on which it is based. It was not possible for the Government, at so short a notice, to cover the docks of Southampton with mud, nor are they responsible for the sunshine; but in as far as in them lies, they did their best to make that particular locality resemble Balaklava as much as possible. Whether we consider the character of those for whose comfort and convenience they undertook to arrange the proximity of the point of embarkation to the scene of the review, or the facilities afforded at the spectacle itself, I think there will be no difference of opinion either in this House or the country at large as to the merit or demerit due to them. You, Sir, I understand, were kept waiting nearly two hours — [An hon. Member: Four hours]—without being able, as we may say, to form a House: and when hon. Members did arrive, I apprehend you never saw a House so perplexed. But, whatever may have been the fate of the House of Commons, that of the other House was, I understand, even worse. I have been informed that it was not till broad daylight this morning that those Members of the House of Lords who trusted implicitly to the arrangements of the Government were able to reach their homes. The lay Lords, I understand—at all events the greater part of them—have already recovered, but some of the Bishops are completely exhausted. Still, I am given to understand that these right rev. Prelates will soon recover, and therefore we may congratulate ourselves that no Member of either House of Parliament has been drowned upon this occasion. For that we desire to tender our best thanks to the Government. Whether their arrangements were made for the purpose of predisposing our minds to peace, whatever the terms of that peace might be, by enabling us to see to what hands we were to intrust the management of our fleets, I will not presume to say. We have tried our Government upon two elements, land and water, and it only remains to test them upon that more inflammable element, fire, to which the right hon. Gentleman opposite intends to call the attention of the House next week. I would suggest, that amongst the other fireworks with which the public are to be amused in the course of a few days, one special illumination should be dedicated to the safe return of those Members of Parliament who intrusted their persons to the awkward keeping of Her Majesty's Government.

Lord WILLIAM POWLETT: Sir, I can corroborate, from personal observation and experience, what has fallen from the hon. Gentleman who has just addressed the House, as to the extremely discreditable nature of the proceedings yesterday from beginning to end. Undoubtedly, the Government are not responsible for the misconduct of the railway company, but they should have taken care that the ships appointed to convey the two Houses of Parliament to the scene of the great spectacle were in an effective state. It so happened that, being in Southampton at an early hour, I was desired by a person on board the steamer allotted to the House of Lords to take my place in that vessel, because, in all probability, the House of Commons would not arrive till a quarter past four o'clock. I accordingly went on board the *Transit*, where I remained the whole day; but I must say that a more discreditable state of things I never witnessed. The whole of the machinery was out of order; it not only broke down, but we were detained half an hour at a time, and I was told by the captain himself that he knew the machinery was in an inefficient state. I think, Sir, that the head of the Admiralty ought to have ascertained whether the ships were in an effective state or not. But the worst is yet to come. We did not arrive at Spithead until the review was over, and when we reached Southampton in the evening, there was no train waiting for the House of Lords. We were detained an hour until one was formed in the station, and the journey to this metropolis occupied four hours and a half, the train going at the rate of about ten miles an hour. I must say, Sir, in conclusion, that the proceedings of yesterday reflect credit neither upon the Members of the Government, nor upon the directors of the South-Western Railway Company.

Mr. OWEN STANLEY: I do not know, Sir, whether the First Lord of the Admiralty is in his place or not; but the House will recollect that, when I put a question to him a few days ago as to the arrangements which had been made for conveying us to the scene of the review, the right hon. Gentleman informed me that if I did not like to go I might remain at home. I have only to say now that, if he had told me what his arrangements were, I should have been glad to remain at home.

Viscount PALMERSTON: I would suggest, Sir, to hon. Members, that it would be better to postpone this discussion until my right hon. Friend the First Lord of the Admiralty returns to town, his duties detaining him for the present at Portsmouth. [*Laughter.*] I really see no occasion for laughter in that statement. I am unable, of course, to explain the nature of the arrangements which were made by the Admiralty, but when my right hon. Friend shall be in his place, I am sure that he will be able to show that the Admiralty made the best arrangements which could prospectively be made for such an occasion. That there was undoubtedly great delay in getting from London either to Portsmouth or Southampton I myself can bear witness, for I was in the railway train from seven o'clock until past twelve, on the journey between the Waterloo Station and Portsmouth. When we arrived at Bishopstoke, it was intimated to us that the tide had ebbed, and that there would be considerable difficulty in getting to our vessel at Spithead. [*Cries of* "No, no!"] I am told that it was so; and that no doubt produced a difficulty in getting from Southampton to the vessels which were destined to convey us to Spithead. I am sure that my right hon. Friend will deeply regret if there was any error in the arrangements; but I would again submit to the hon. Gentleman opposite who has brought the subject forward that no advantage can arise in delaying other business on account of a discussion which cannot take place satisfactorily until my right hon. Friend the First Lord of the Admiralty returns.

Colonel NORTH: Sir, the Secretary to the Treasury, it seems, is also detained somewhere, otherwise I would have asked him a question. I wish to know, however, if the clerks of the Treasury embarked at Portsmouth; and, if so, why the Members of the House of Commons and the House of Lords could not have embarked there also, instead of at Southampton? I can only add my testimony to what has been said as to the badness of the arrangements. I hope that, in future, Blue-books and Commissions of Inquiry with regard to the gallant officers who have served in both services will cease, and that the country will see that mishaps are the fault of the Government, and will put the saddle on the right horse.

Mr. H. HERBERT said, he was not surprised at the disappointment which had been expressed at the arrangements which had been made for the accommodation of the House of Commons; but, having been one of the first on board the *Perseverance*, he was anxious to bear testimony to the extremely obliging conduct of Captain Macdonald and the officers of that vessel. At the hour appointed Captain Macdonald's vessel was in readiness, and but for the delay elsewhere the House of Commons would have been at the review in good time.

Mr. NEWDEGATE: I hope, Sir, that the hon. Member for Salisbury (Mr. Chaplin) will also be in his place when we are honoured with the presence of the First Lord of the Admiralty, because unquestionably we have great reason to complain of the railway arrangements. As this House legislates for the regulation of railways, I think that it would be a gross dereliction of duty if, after such mismanagement brought within our own experience, we were to take no notice of it. I am glad that the question is not likely to pass without observation, because I feel that the House of Commons being late on such an occasion savours of disrespect to Her Majesty, and I hope that we shall acquit ourselves of all blame upon that score by fixing it upon the proper persons.

Captain SCOBELL said, he saw no good in postponing the discussion until the arrival of the First Lord of the Admiralty. Of course, the First Lord would be unaware of the inconvenience which the House had experienced, and, at all events, he could not help it now. On future occasions, he hoped that the right hon. Gentleman would make his arrangements with better effect; for yesterday the whole "transit" was so bad, that it was only by the greatest "perseverance" that the House ever got back to London. The Government, of course, could not answer for the railway, but when Members arrived at the end of the railway journey, there was no way of getting off to the fleet except by swimming for it. He believed that not one Member, either of the Cabinet or of the Government, was present to receive Mr. Speaker and the House upon their arrival, and he thought altogether that there was much reason to complain. No doubt the Government were better provided for somewhere else, but surely some one one or other of them might have been there to receive the House. He regretted that on such an occasion some sailing vessels had not been introduced to show the contrast between such ships and steamers; and he thought that their absence rendered the review somewhat incomplete.

Colonel FRENCH: I would beg, Sir, to suggest to the noble Lord at the head of the Government, that when the First Lord of the Admiralty comes to town, he should give him a check for his uncourteous behaviour towards Members of this House in general, and to the hon. Member for Chester (Mr. O. Stanley) in particular, to whom, when he questioned the arrangements that were being made, the right hon. Baronet replied, that if Members didn't like them they might stay at home. The system of checking, I believe, has already commenced, and I think that it might be extended with advantage. Report says, that the Secretary for the Admiralty had arranged that Members of the Government (of the Cabinet) and their wives should go in one vessel, and Members of the Government (not of the Cabinet) and their wives in another; but that the ladies took the quarrel up and declared that they would not be treated in such a manner. It is said that the noble Lord did then interfere, and that in consequence all the ladies were permitted to go together. I think, therefore, that it would be exceedingly desirable that the noble Lord should teach the right hon. Baronet to behave with proper courtesy.

Sir GEORGE GREY: I cannot, Sir, allow the speech of the hon. and gallant Gentleman who has just sat down, and which he has made in perfect ignorance of the facts, to pass unnoticed. When my right hon. Friend (Sir C. Wood) comes to the House, he will state the arrangements which were made by the Admiralty, in order to afford the greatest amount of convenience to the greatest number of people in witnessing that magnificent spectacle at Spithead which reflected the highest credit on the country. ["Hear, hear!" *and* "Oh, oh!"] I say that that magnificent fleet and the evolutions which it performed at the review are calculated to raise this country in the estimation of all who witnessed it—foreigners as well as Englishmen. My right hon. Friend, I am sure, intended no discourtesy in the answer which he gave to the hon. Member for Chester; and, however much reason there

Captain Scobell

may be to complain of the difficulty in getting on board the *Perseverance*, I am certain that every one must have been perfectly satisfied with the manner in which that ship was conducted yesterday. All that we have to regret was, the difficulty which was experienced in getting on board her. With regard to the railway, of course the Government was not responsible for delays there; and, as to no Member of the Board of Admiralty being present to receive the House, I may state that the whole of the Board of Admiralty was, by Her Majesty's commands, in attendance upon Her Majesty.

Mr. HOWARD said, he thought that the House was somewhat unjust in its strictures upon his right hon. relative the First Lord of the Admiralty. It appeared to him that the arrangements were of a very high order, and that the House ought to have been very grateful for them. The House had shown a great deal of impatience, and did not appear sufficiently to appreciate the magnificent spectacle of yesterday. The blame ought to be attributed to the proper people, and they were the conductors of the railway.

Captain DUNCOMBE said, the machinery of the *Transit*, the vessel allotted to the Members of the Upper House, was completely out of order.

The Marquess of GRANBY said, he thought that the House of Commons had great reason to complain that they had been allowed no share in the admirable arrangements which had been provided for the rest of the public. As he was on board the *Perseverance*, however, he must add his testimony to that which had been already given of the admirable behaviour of the commander of that vessel. No doubt, as was said by an hon. Gentleman opposite, the review at Spithead was a magnificent spectacle; but, unfortunately, the House of Commons had not succeeded in witnessing it. A peace which he sincerely trusted would be an enduring one had happily been concluded, and no doubt the review had been intended to show to the world what England was able to do. Now, there was no doubt as to the magnificent fleet of ships which had been prepared, nor as to the gallantry and skill of the crews which manned them, but there was one point upon which some doubt did exist, and without question the review was held in order to dispel that doubt. That doubt was as to the efficient administration of the Admiralty, and the object of the review was to prove that the administration of that department was now different from what it had hitherto been. It was to prove that scenes such as those which had occurred in Balaklava Harbour could never occur again; but the result had been to produce a state of things in the harbour of Southampton similar to what had taken place at Balaklava, and, when such confusion prevailed in a harbour only seventy-eight miles from London, how could any one be astonished at its being displayed in a harbour distant 3,000 miles? The Members of that House had been invited to be present, and they had fallen victims to that very system, a change of which was intended to be evinced by the review.

Mr. PEACOCKE said, that he understood that the refreshment for Members of the two Houses of Parliament had been contracted for at 7*s.* 6*d.* a-head—[An hon. Member: Five shillings]—but the Board of Admiralty had taken much better care of themselves; for he understood that the clerks of that department were provided with all the delicacies of the season. He did not complain so much as regarded the Members of that House, but as regarded the Members of the other House of Parliament, who were accompanied by ladies; he thought that they were entitled to at least the same fare as the clerks of the Admiralty.

Mr. KENNEDY said, he considered that the whole of the blame ought to be attributed to mismanagement on the part of the railway companies, and he should, on an early day, move for an inquiry into the causes of the delay which had occurred on the line of railway.

Motion, by leave, *withdrawn.*

ADMISSIONS TO THE CIVIL SERVICE—COMPETITIVE EXAMINATION.

Viscount GODERICH, in rising to propose an Address to Her Majesty upon the subject of admissions to the civil service, said that the question was one of such great importance that he felt that no apology was due upon his part for bringing it under the consideration of the House. He thought that the Report of the Civil Service Commissioners was so full of interest that it was only right to call upon that House to devote some portion of its time to the consideration of it. In the first place, it was to him a pleasant task to pay his humble tribute of praise to the Commissioners for their invaluable exertions. When all the difficulties which they had to encounter were considered, he believed that most Gentlemen in that House would join with him in paying a just tribute to the zeal and ability—he might say the courage—which they had displayed in the discharge of their duty; for if they reflected on the work they had had to do, and on the manner in which it had been performed—how they had had to inaugurate a new system—how they had had to encounter the disappointment of rejected candidates, and the anger of their patrons—they must see that their task was one of no ordinary difficulty. The Commissioners had done their work well. Most persons had heard rumours of the ridiculous strictness with which their examinations had been conducted, and the unreasonably high standard on which they had insisted; but a perusal of their Report would be sufficient to dissipate any belief in the truth of such allegations—for, while the Commissioners had refused to yield to any pressure from without, if they had erred at all, it had been on the side rather of leniency than of strictness. The House would find that out of the 1,078 candidates whom they had before them, no fewer than 309 had been rejected on account of the gross ignorance they had displayed with regard to the commonest elements of knowledge. That fact, while it showed the true character of their examinations, was a sufficient proof of the truth and justice of those allegations which had been brought against the old system. The House would therefore be justified in concluding that under the old system those persons—persons who spelt "contumelies" "contumanies," and "fingers" "fingures," who inserted only one n in "government" and two t's in "guilty" would have been admitted into the public service. Regarding, therefore, the allegations against the old system as proved, he would confine himself to the question of how the improvement which had been already introduced might be extended and made more perfect. He found that in the Customs, of 106 candidates examined, forty-two were rejected on account of the grossest ignorance in spelling. In the Admiralty, of fifty-four candidates examined, nineteen were sent back for the same reason. The House should bear in mind that these were nominees to particular offices. He had before expressed his opinion that the only way to effectually remedy these evils was to introduce the system of open competition, and he was strengthened in that opinion by a perusal of the Report of the Commissioners. It was their duty to endeavour to obtain for employment in the civil service the fittest persons that could be found. It was too much the habit to assume that incapacity should be tolerated in the public service which would not, for a moment be endured by any private individual. He thought they ought to take the exactly opposite course. He could conceive many cases in which private individuals or firms, from far higher and more imperative motives than those of self-interest, would be constrained to retain in their service persons who were not the fittest they could find; and to say that a private person was never to employ any but the fittest person would be to lay down a principle of unwarrantable selfishness; but in the civil service the selfishness lay quite in the opposite direction—the selfishness would be in sacrificing the public interests to a feeling of indolence, to a desire to avoid opposition, or to a wish to serve a friend, or to satisfy an importunate suitor. It appeared that out of 903 nominee candidates to particular offices 250 had been rejected by the Commissioners altogether. Between one-third and one-fourth of all the nominees had been sent back because they were unacquainted with the simplest rudiments of knowledge, and he found that, with regard to about one-half of those to whom certificates were granted, the Commissioners were unable to assert that they possessed more than the simple rudimentary knowledge to which he referred. What was the cause? Was it that the education of the middle classes was deficient? On that point the Commissioners said:—

> "We believe, however, that there exists no want of sufficiently well educated persons to supply the vacancies in these offices; and that the frequent occurrence in candidates of deficiency in the simplest elements of knowledge arises from the fact that many of the inferior appointments are made, without personal knowledge of the fitness of the party, on the recommendation of some other person, who is desirous, not of supplying the public with a useful officer, but of making a competent provision for a friend."

He believed the Commissioners were perfectly right in that opinion, and that the cause of the deficiency was not to be found in the defective education of the middle classes, but in the bad mode by which candidates were selected, and it was in order to get rid of that fruitful source of evil that he wished to see the system of open competition adopted for admission to the civil service. He wished to see that system adopted, because it would enlarge the field of choice. It would enable every person who, without Parliamentary or personal interest, might wish to enter the public service, to make his merits known to those who had the right of appointment; and by following it, they would be in a position, gradually and naturally, without laying down absolutely any very high standard of qualification, to raise the standard of examination as high as circumstances would admit. On the subject of open competition, he would read to the House the opinion of a right hon. Gentleman whose views would be received with respect, at least, by the Treasury Bench. In a letter written by Mr. Herman Merivale, by the direction of the Secretary of State for the Colonies, there occurred the following passage:—

> "It is Mr. Labouchere's opinion that, whatever may be the value of an examination by way of test, if conducted by able and experienced hands, for eliciting proof of qualities such as these, yet a far greater and more effective security will be afforded by examinations conducted to a certain extent on the competitive principle."

The Commissioners themselves stated that they did not consider it within their province to discuss the question, but it was clear that they were in favour of competition. They said:—

> "We do not think it within our province to discuss the expediency of adopting the principle of open competition as contradistinguished from examination; but we must remark that, both in the competitive examination for clerkships in our own and in other offices those who have succeeded in obtaining the appointments have appeared to us to possess considerably higher attainments than those who have come in upon simple nomination; and we may add, that we cannot doubt that if it be adopted as a usual course to nominate several candidates to compete for each vacancy the expectation of this ordeal will act most beneficially on the education and industry of those young persons who are looking forward to public employment."

No existing system seemed to be so good as that of the Colonial Office; but it was clear, from the Commissioners' Report, that this plan—the plan of partial competition—did not go far enough, and that, if they wished to get rid of the evils now complained of, it would be necessary to relieve the Government from the pressure under which they were now obliged to make appointments on other grounds than that of merit. It was sometimes urged, in favour of the system of nomination, that a control was thereby exercised over the moral qualifications of the persons appointed which could not otherwise be obtained. That was the theory, but was it always the fact? Was any such adequate control usually exercised? What inquiries did the right hon. Member for Wells (Mr. Hayter) generally make into the moral qualifications of candidates for appointments? But, assuming that a control of that kind was at present exercised, he would contend that it might be exercised in an equal degree under the system of competition. The system at present pursued in this respect was of a very anomalous character, and was very unfair to the Commissioners; they maintained the system of nomination on the ground of the control it was supposed to give them over the moral character of those whom they appointed, and yet they threw upon the Commissioners the burden of inquiring into that very matter, so that no argument could be drawn on that ground in favour of the system of nomination. He asked the House, by this Motion, to give an opinion only upon the fundamental principle of the establishment of a free and open system of competition. It was not in the power of a private Member to enter into details upon such a subject; but he must observe that he thought it would be absolutely essential to the success of any such system of open competition that the partial division which had been made between situations of a merely mechanical character and those which required more intellectual ability should be strictly enforced. It had been sometimes said that private firms did not adopt any system of competition in their appointments, and yet that they were served well. A sufficient answer to this argument was, that private firms were bound to make good appointments, under penalties, in case of failure, very different from those which awaited Ministers of the Crown, and that they were not subject to the importunities of Members of Parliament and Secretaries of the Treasury. But he asserted that private firms would be willing to adopt a system of competition if it could be made available for them. The Society of Arts had recently promulgated a scheme for establishing competitive examinations, and giving certificates to the successful candidates. The Society had sent round a circular to the leading commercial and manufacturing firms in the country, with a request for information whether they would be disposed, as far as possible, to pay respect to the certificates of the examiners? He held in his hand a list of the firms who had already signed the declaration in the affirmative. It contained the names of some of the most eminent commercial and manufacturing establishments in the country, including the Great Northern Railway Company, the London and Brighton Railway Company, the South Eastern Railway Company; Mr. Akroyd, of Halifax; Mr. Titus Salt, of Bradford; the hon. Member for Halifax (Mr. Crossley); Sir Elkanah Armitage, of Manchester; Messrs. Clowes; Messrs. Longman; Mr. Brunel; Sir William Cubitt; Mr. Fairbairn, of Manchester; Messrs. Fox, Henderson and Co.; Sir Samuel Morton Peto; Messrs. Truman, Hanbury, and Buxton, and many others. This scheme was said to be new and unexampled, but the circumstances of the present time were new and unexampled, and in the two instances in which it had been adopted by the Government—namely, the East India Company and the Ordnance Department—it had been found to work well. It might be said that the civil service did not hold out such prizes as the East India Company's service to attract really able men. But that argument omitted to take into account one very important element—the certainty of Government employment—that certainty was so great an object to many persons that he believed the Government would have no difficulty in obtaining for the civil service persons as able as any to be found in any profession or calling whatever. He would not allude to all the indirect advantages of the system of competition, but he could not refrain from pointing out the important bearing it would have on the general question of education. He would call upon that large majority of hon. Members who decided the other night that the Legislature could not, at least for the present, take any further step for the purpose of advancing the education of the people. That decision they must look upon, for the time, at all events, as final, and he was, therefore, most anxious to press upon the House the important collateral bearing a system of open competition would have on public education—it would open a new field of employment; it would give a great impulse to schools and colleges; it would open the way to public emoluments and honours to every class, without distinction—he would therefore call upon that large majority who had disposed so summarily of the question of education to weigh well this part of the case. They were bound, as they had refused direct means, to make use of every indirect means in their power for promoting education. He was anxious to obtain the sanction of the House to the system of competition with reference to admissions to the civil service, because he believed such a system would materially improve and strengthen the machinery of Government. Although neither that nor any other improvement of the machinery of Government could ensure the presence of wise and able men at the head of affairs, yet, in a Government like that of this country, in which the political chiefs of departments were constantly changing, while the subordinate heads of departments, holding permanent offices, necessarily exercised great influence, it was most important to secure the services of men of ability and integrity, and this could never be effected with certainty if appointments were made for political reasons, or any other consideration than that of the fitness of the persons appointed. He also desired a change in the present system of civil service appointments, because it seemed to him to place the Members of that House in a false position with respect to their constituents, and to place the Government in a false position with regard to that House. He thought the existing system most injurious to the public service. Members of Parliament, in recommending persons for public employment, did not look to the fitness of their nominees, but to the interest and support which they might secure for themselves at the next election; and the right hon. Member for Wells (Mr. Hayter) was disposed to regard with favour the recommendations of those hon. Gentlemen whose votes he expected to gain on the next division. The candidate most likely to succeed was not, therefore, the hardworking and intelligent young man, but the man whose father was an old Reformer or a stanch friend of the Church. The best men who could be obtained ought to be engaged in the public service; but the present system frequently led to the employment of persons who were destitute of the necessary qualifications. He thought it was an object of the greatest importance to raise the relations between Members and their constituents, which ought to rest on mutual confidence—confidence on the part of constituents in the wisdom, honesty, and integrity of their representatives, and confidence on the part of representatives that the best mode of securing the respect and esteem of their constituents was to pursue such a course as they deemed most conducive to the public advantage; but the present system of patronage was calculated to degrade that relation — it tended to reduce the Members to mere delegates and distributors of patronage instead of leaving them at freedom to give their votes as seemed best for the interest of the country. It seemed to him that the best mode of placing it on a proper footing was to alter the present system of appointments in the civil service. They would thus relieve Members of Parliament from odious applications, and the Government from pressure which it was very often difficult to resist, while they would encourage the extension of education throughout the country, and would secure the employment of able, intelligent, and competent men in the public departments.

SIR STAFFORD NORTHCOTE, in seconding the Motion, said, he must beg to express his thanks to the noble Lord for having given the House an opportunity of discussing this very important question calmly and quietly; for its merits had suffered from its having been sometimes discussed in a spirit of prejudice on the one side and of too sanguine admiration on the other. He was satisfied that the principle of open competition had not been fairly and dispassionately considered by many of those by whom it was opposed, and who fancied that its advocates wished to accomplish objects that had never occurred to their minds. He had been concerned in the preparation of the Report which two or three years ago recommended the adoption of this principle, and in which, with the view of providing fit and proper persons for the public service, it was stated—

> "The general principle which we advocate is, that the public service should be carried on by the admission into its lower ranks of a carefully selected body of young men, who should be employed from the first upon work suited to their capacities and education, and should be made constantly to feel that their promotion and future prospects depend entirely upon the industry and ability with which they discharge their duties—that with average abilities and reasonable application they may look forward confidently to a certain provision for their lives—that with superior powers they may rationally hope to attain to the highest prizes in the service; while, if they prove decidedly incompetent or incurably indolent, they must expect to be removed from it."

That principle was borne out by the whole Report, which recommended that the best men should be obtained, and that the most should be made of their services. The Commissioners were of opinion that the system of open competition would be the most likely to secure the employment of the best men; and they accordingly recommended its adoption as one part of the reforms required in the civil service, but it was a mistake to look upon it as the whole, or even as the main portion of what they wished to accomplish. The public, however, overlooking other parts of the Report, had run away with the idea that its proposal simply was, that men for the public service should be selected from the great mass of the population, and should be persons who could pass the best examinations in modern or ancient languages, in mathematics, in the physical sciences, and in history, without regard to moral character and qualifications. Now he thought the first qualifications to be required for public appointments in the civil service were good character and adaptability for the duty, and that the attainments of the candidates were of secondary consideration. He (Sir Stafford Northcote) advocated the principle of open competition because it necessarily included a very careful and searching inquiry into the characters of the persons who received appointments. Under the present system of patronage such inquiry was scarcely possible, because it was almost an insult to a gentleman who nominated a candidate to institute a minute investigation into the character of his nominee. It was true that under the existing system testimonials to the character of nominees were required; but those testimonials were given by persons who had a certain amount of interest in the nominees, while, under the system of open competition, the testimonials would be in a prescribed form, and would be demanded from persons who had no special interest in the candidates. This was no peculiar idea of his own. He would refer to the authority of Lord Monteagle, who had pointed out in his letter to the Civil Service Commissioners, the kind of testimonials which would afford the best test as to the moral qualifications of the probationers; and he (Sir S. Northcote) thought that inquiries conducted upon the principle pointed out by that noble Lord would in almost every case enable them to ascertain whether young men who came forward to compete were persons of fit and proper character. But it was said that we should lose the safeguard of personal responsibility. He would like hon. Gentlemen to consider what they meant by responsibility. He admitted that the responsibility of permanent officers might be a most valuable kind of responsibility, because there would be a strong inducement to heads of departments to look carefully into the fitness of young men appointed to situations under them, and to ascertain whether they were qualified from the beginning to perform the duties which, up to the end of their career, they would be called upon to discharge. But when the appointments were really vested, not in the permanent heads of departments, but in the political chiefs, who were constantly changing, that responsibility fell away almost to a cipher. The right hon. Gentleman the Secretary of State for the Colonies (Mr. Labouchere), in a document printed in the Report of the Commissioners, pointed out that in consequence of clerks on their first appointment being employed in duties which were merely mechanical, a considerable time might elapse before the higher qualities required in the advanced stages in the Colonial Office were put to the test. The effect of that upon the responsibility of the heads of departments was very great. When a clerk was wanted in any department the chief looked out for a young man competent to undertake the duties required to be fulfilled at the bottom of the office; but it was not necessary that he should inquire whether the young man would be qualified in a few years to take a senior clerkship. He did not say that in no case were such inquiries made; but the pressure of responsibility was not heavy, and he doubted whether such investigations were the rule. But here the question arose, was the examination to be pitched so high as to include the later part of the service, or sufficient only for the earlier part? If it included the later part, it appeared unreasonable that young men who were asked to perform duties which were merely mechanical should be required to pass a high-class examination; whereas, if the examination were made low, the public offices would be filled with persons who would ultimately prove unfit for the higher duties which they would be required to perform. The natural remedy for this state of things seemed to be open competition. He said open, and not limited competition, because he thought there were great disadvantages in the latter system. Most of the objections which applied to open competition applied with equal force to limited competition, which, however, had defects of its own which were not to be found in the other system. Limited competition was an artificial system, and imposed upon the heads of departments the great trouble of seeking out a number of young men to compete for a particular appointment. Nothing could be more imprudent than to require the chief of an office to look out for nine or ten men for every appointment, knowing that eight or nine of them could not be elected. He believed that after a certain time the system of limited competition must break down. An individual might as well try to supply London with food. He would find that his system was an artificial one, and incapable of enabling him to do that which at present was easily accomplished by the voluntary action of the principle of open and unlimited competition. The system of limited competition proposed to leave the head of the office subject to the necessity of investigating the characters of those whom he was to nominate, and to increase his labour by increasing the number to be selected, but to relieve him of the duty of judging of their attainments. It was much easier to judge of attainments than of character—why then take away the easier duty and leave the more difficult one? He thought that under a system of limited competition great deficiencies were likely to arise. It was just as much a favour to place a young man's name on the list of candidates as it had been to give him a direct appointment, and those young men who did not apply for office under the old system were not likely to apply for it under the new, so that the former deficiencies were just as great as ever. Now a word on another point. It was erroneous to suppose that it had ever been intended to apply open competition to promotions within the civil service. The object of the supporters of that system was to induce the entry of the best and fittest class of young men into the lower grades of the service; but after they had once been admitted their qualifications for a higher post were subject to a much better and higher test than any mere literary examination. They could not possibly interfere with promotion; all they could do was to secure that the appointments in the first instance were made on the best principle—that of open examination; subsequently, if proper attention were paid to the working of an office, the chief would

know who were the fittest men to promote; and he would promote them. The system of open competition once introduced, he felt confident that the other reforms required in the civil service would follow as a matter of course, and among the rest, the separation of mechanical from intellectual labours. He had heard it said that a great many valuable men would not pass an examination; nay, some had gone the length of asserting that the Duke of Wellington would not have passed any competitive examination. He did not believe that. If the Duke, in his earlier days, had been called upon to apply himself to the attainment of such qualifications as might be necessary for appointments then within his reach, he would, without doubt, have succeeded. But that was the fallacy. It was supposed that all those examinations must necessarily be of a particular kind, which was suited for the atmosphere of a school or college, but was not suited for public life. But the truth was that they ought to be conducted in such a manner as to ascertain whether a man had the "stuff" in him—not to show how much a man had had crammed into him, but how much solid good material there was within him. He was quite sure that an examination so conducted would never exclude men of the right stamp, but that, on the contrary, it would promote their admission. He was persuaded that when we considered the nature of English education and how it bore upon practical life, we need have no fear upon that head. He had lately seen a book written by Count Montalembert, in which that distinguished foreigner drew a distinction between French and English education. The Count said, in effect:—"In France, in your private schools, you have the close watchfulness of your tutor over every step which the boy takes, and then he is turned out to the University without any control whatever; he is never educated in self-government. Whereas in England, taking the freedom of the public schools and the restricted freedom of the University, your young men are not only made scholars but citizens of a free State, prepared for the great duty of self-government; the University trains, not scholars, but men." He (Sir S. Northcote) felt certain that if the examinations were conducted in the manner he had indicated, we should have not merely pedants, but good, sound, useful, and able men inducted into the civil service.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, to thank Her Majesty for having caused to be laid before this House the Report of the Civil Service Commissioners; to state humbly to Her Majesty, that this House has observed, with great satisfaction, the zeal and prudence with which the Commissioners have proceeded in applying a remedy to evils of a serious character, the previous existence of which has now been placed beyond dispute; and also the degree of progress that has been made, with the sanction of the heads of various Departments of the State, towards the establishment of a system of competition among candidates for admission to the Civil Service; to assure Her Majesty of the steady support of this House in the prosecution of the salutary measures which She has been graciously pleased to adopt; and humbly to make known to Her Majesty, that if She shall think fit further to extend them, and to make trial in the Civil Service of the method of open competition as a condition of entrance, this House will cheerfully provide for any charges which the adoption of that system may entail."

The CHANCELLOR of the EXCHEQUER: Sir, the noble Lord, in the speech, so full of moderation and good taste, with which he has brought forward this Motion, said that those who advocate the measure which he recommends have been charged with an intention of endangering the constitution and subverting the liberties of the country. I certainly, in any observations which I may have formerly made on this subject, have never made such a charge, and I certainly do not intend to make any such imputation on the present occasion. My noble Friend has argued against the system of nomination upon the ground that it is unconstitutional, and detrimental in respect to the working of our representative system of government; and he has shown the disadvantage which a system of nomination conducted simply on principles of patronage is calculated to produce in respect to the purity of our electoral system. I do not object to the principle of open competition upon the ground of its incompatibility with the system of political influence; nor will I throw any doubt upon the doctrine which my noble Friend enforces, upon the ground that it will diminish the patronage at the disposal of the Crown. I wish to argue the question simply upon the ground of the efficiency of the public service—whether the principle my noble Friend seeks to introduce will or will not render the civil service of the Crown more efficient than it has been heretofore—that is the issue which I wish to raise. A Motion identical in its tendency with the present, though different in expression, was submitted to the House last Session by the hon. and learned Member for the county of Cork (Mr. V. Scully). It underwent a full debate, and the Motion was in the end rejected. It was made not very long after the Order in Council appointing the Civil Service Commission had been issued, and the House appeared reluctant to disturb that measure before it had received a fair trial, and before they could be able to judge of its results. That system has now been in force something less than a year. The Order in Council is dated the 21st May, 1855; and of course a little delay occurred before it could be carried into full effect. The Civil Service Commissioners have made their Report, which is on the table of the House, and in which they have with great perspicuity and with much fulness detailed the steps which they have taken in execution of the important trust confided to them. I am sure that those who have read that Report will agree with me in thinking that the Civil Service Commissioners have discharged their difficult duties with great discretion and in a highly judicious and efficient manner, and that it is impossible that the choice of the Crown could have fallen on men better calculated to perform those duties in a satisfactory manner. It is unnecessary for me to recapitulate the results of their Report beyond stating that the effect of it has been to subject all candidates for admission into the public service to an examination for the purpose of testing their qualifications. In every case the candidate has been subjected to such an examination, and in some instances there has been a competition among several persons nominated for one vacancy by the head of a department. According to the latest information I have received on the subject the number of persons nominated, who had been examined, up to the 21st of April, was, in London, 874; and in the provinces, 542; together, 1,416. Of that number certificates were granted to 868 candidates, and refused to 463. The House must, therefore, see that the examination is a real and efficient one, and that it serves to winnow and separate from the mass a considerable number of incompetent candidates. It must be observed, however, that this separation of fit and unfit candidates does not date exclusively from the appointment of the Civil Service Commissioners, and you are not to assume that those 463 rejected candidates would have been admitted into the service if the Civil Service Commissioners had not been appointed. Before the appointment of that Commission there were in many of the departments examinations, the object of which was to test the qualifications of the candidates. It may be assumed, therefore, that even if the Civil Service Commission had not been in existence, a considerable number of unfit candidates would have been rejected. The system has now, however, been made uniform; it is applied in all cases, and it is conducted in a more systematic manner than before, and will doubtless be productive of increased advantages. My noble Friend has referred to the subject of education in connection with civil service examinations, and he states that the working of the system is viewed with interest by the friends of popular education, and that it is the duty of the Government, if they are unable by other means to promote the spread of education, to use this method for giving an impulse to it. My noble Friend added that great expectations are entertained by those who wished to diffuse education among the people, from the system of open competition. With the permission of the House I will read some remarks applicable to this portion of the subject, which have been made by the Rev. Richard Dawes, the Dean of Hereford, who is one of the most enlightened friends of education in this country, and who has been actively engaged in its promotion. He has published an edition of the Report of the Commissioners in a cheap form for general circulation, and he has prefixed to it some remarks of his own, in which he gives an opinion of the working of the existing system. He says:—

> "The temperate and considerate spirit in which this Report is drawn up, and the sound judgment shown in all matters upon which it treats, add greatly to its value. No one who examines it carefully—whether as regards the standard of acquirement required in the different public offices—the examination, and the way in which it has been conducted—the grounds of rejection where candidates have failed—or of honorary additions to their certificates, where they have successfully passed a voluntary examination—can fail to be convinced of the great national importance of this mode of testing the qualifications of those who are candidates for situations in the various departments of the civil service. It is a most fortunate circumstance to the cause of education, that so important an experiment should have fallen into the judicious hands it has done; and one cannot but read with pleasure in the Report, that the Government have given to the Commissioners a cordial support, in endeavouring to overcome the various difficulties they had to encounter. The Order in Council establishing the future mode of administering the civil patronage of the Crown is a marked event in the history of the Government under which it has taken place, and forms a step in social progress which does honour, both to those who originated it and to those who have worked it out."

Now, I wish to point out to the attention of the House that this testimony of an eminent and impartial witness applies not to the system of open competition, but to the existing system of examination for appointments in the civil service, and I think that this testimony and also the evidence contained in the Report of the Commissioners itself are sufficient proof of the advantages of that system without any further remarks from me. The system which was established last year has been worked with the most perfect uprightness and well deserves the support of this House, and I think there is every reason to induce this House to give it a further trial, instead of consenting to cut short its operation by the introduction of a perfectly new system before one short year of its existence has passed over. The principle which my noble Friend seeks to introduce is that of open competition—that is to say, he would allow any person, without any nomination or recommendation, to come forward and offer himself for an office in the civil service. Now, with regard to that principle, I would remark that the system which is at present established does not exclude that competition, but admits it, subject to certain limitations and restrictions. The present system provides that where a number of persons are selected upon the responsibility of the head of a department, who is responsible for the character and propriety of each individual applicant, then it rests with the Civil Service Commissioners to determine by examination who are the best qualified for appointments. If the House will refer to the Report of the Commissioners, they will see that there are fifteen departments in which examinations have been held. The number of situations competed for has been fifty-eight, and out of 247 persons nominated 175 have been examined. Since this Report has been printed, I understand from the Commissioners themselves that other examinations have taken place, and that others are about to take place; so that the House will see that the Order in Council as at present worked is consistent with the principle of competition to a considerable extent, while at the same time it interposes a safeguard which is necessary for the protection and security of the public service. Now, if you remove all limit to the competition for appointments, as my noble Friend proposes, you will relieve the Members of the Government from any responsibility with regard to the appointments made in the respective departments of which they are at the head, and would throw the responsibility, so far as responsibility existed, upon the Civil Service Commissioners. Their choice would be determined by literary merit; they would report to the heads of departments the names of those candidates who, in an open examination, had obtained the greatest number of marks, who would be compelled to appoint them to the offices for which they had competed. The plan, therefore, of my noble Friend, if adopted, would get rid of the important security which now exists of the individual responsibility of the head of each department with regard to the character of the persons whom they may nominate as candidates. The Civil Service Commissioners in their Report make a remark upon that very subject, in which I entirely concur. That remark is—

> "We do not think it within our province to discuss the expediency of adopting the principle of open competition as contra-distinguished from examination; but we must remark that, both in the competitive examination for clerkships in our own and in other offices, those who have succeeded in obtaining the appointments have appeared to us to possess considerably higher attainments than those who have come in upon simple nomination; and we may add that we cannot doubt that, if it be adopted as a usual course to nominate several candidates to compete for each vacancy, the expectation of this ordeal will act most beneficially on the education and industry of those young persons who are looking forward to public employment."

I have said that I entirely concur with that remark; so my noble Friend will perceive that I am inclined to go a considerable way with him as regards this question. But there is this difference between us, that the system which he proposes would give up that security which I conceive to be of the greatest advantage to the public service—I mean the individual responsibility of the heads of the various departments. There is another point, too, which ought not to be overlooked in connection with the subject of open examinations. If an examination is instituted simply to arrive at the qualification of a single individual it can be held anywhere—in Scotland, in Ireland, or in the remotest part of the kingdom; but if appointments to office are to be thrown entirely open to competitive examination, all the candidates must be brought together to be examined simultaneously in the same place, and for purposes of convenience that spot would of necessity be London. Now, it follows that a great advantage would naturally be given to those persons who are resident in or near London, because it would be necessary for a candidate coming from a remote part of the country to incur considerable expense, and parents would be cautious in furnishing funds to send young men up to London on the uncertainty of their succeeding; so that those persons who can present themselves for examination without incurring any expense would have a great advantage. I was, I confess, rather astonished to hear the hon. Member for Dudley (Sir S. Northcote) argue that the system of open competitive examination was the natural system, and that of limited examination an artificial system. By this antithesis the hon. Baronet intimates that he approves the one system and condemns the other, and he uses the word "artificial" opprobriously; but I do not think that any system can be devised to which the term does not apply. Is the hon. Baronet prepared to say that the Judges of the land should be appointed by open competition? Will he say that the present "artificial" system is universally and in all cases to be condemned? If he does not, then, I think, his argument falls to the ground, and I feel sure that he is not prepared to go that length. The hon. Baronet, in the course of his speech, referred to a work which deserves, as it has obtained, much attention—the work of M. de Montalembert—*De l'Avenir Politique de l'Angleterre.* In this work, after touching upon the question of education, that distinguished writer approached that of administrative reform, and the introduction of the principle of open competition for the civil service, expressing his strongest disapprobation of that system, which he regarded with the utmost alarm, and expressed that alarm in the most nervous and energetic language. I happen to know, from communicating with another French statesman, whose name, if I were to disclose it, would command the instant respect of the House of Commons, that the fears entertained by Count Montalembert were shared in by many of the most eminent continental statesmen, who thought they saw, in the plan of open competition, an advance to that continental system of centralisation which was the horror and dread of all continental statesmen.

> "The slow but undeniable advance of administrative centralisation has increased the number of offices to give away. The demand for places is, and always will be, greater than the supply; but both the demand and the supply have increased. This is the greatest danger to which England is exposed. The evil is far from being as great as in the nations of the Continent, but England is already on the fatal declivity; it is time for her statesmen to perceive that the universal and immoderate desire of public offices is the worst of social maladies. It diffuses over the entire body of the nation a venal and servile humour which is quite compatible, even among those who are the best paid, with a spirit of faction and anarchy. It creates a crowd of hungry applicants, ready to go all lengths in order to satisfy their appetite, and capable of any baseness as soon as they are satiated. A nation of place-hunters is the last of nations. There is no ignominy to which it may not be made to submit."

Now, Sir, I do not read these remarks, as entirely concurring in the strong expressions here used by M. de Montalembert. It must be remembered that they proceed from a Frenchman, who has witnessed in his own country the all-engrossing tendency of administrative centralisation, and knows the mischievous influence which a central governor, with a powerful machinery under his control, is able to exercise in crushing the liberties of a nation. We must, therefore, make allowance for the feelings of a writer belonging to the French parliamentary party. Yet I confess that I, in some degree, share in the opinion of M. de Montalembert, that it is not desirable for the Executive Government to hold out ostentatiously and ambitiously to the public as prizes for their unrestricted competition all vacancies occurring from time to time in the civil service. If this principle of open competition were applied to the civil servants of the Crown, it is clear that the same principle must be extended to all other appointments of an analogous description. We must include within the scheme of my noble Friend not only the clerkships in our public offices, the tidewaiters and officers connected with the Customs, but that numerous class of paid officials appointed by county magistrates, town councils, boards of guardians, and by all the various other municipal authorities in the United Kingdom, must be placed under a similar regulation. It is impossible to draw any well-grounded or well-defined distinction in this respect between these two categories of appointments, and I defy my noble Friend to adduce any good reason why open competition should be applied to one and not to the other. The Order in Council issued last Session was intended to systematise and perfect a mode of examination for public offices previously existing, although existing in but a crude and elementary shape, and, being designed merely to improve a plan already in practical operation, it introduced no new principle. The scheme of my noble Friend, however, is altogether unprecedented in this country as a mode of selecting persons for civil appointments, proposing as it does to throw those situations open to the competition of the world, and to permit all persons indiscriminately to come forward as candidates without requiring them to possess any qualification whatever. And this principle is not only novel as regards England, but quite unexampled in any other nation, and, indeed, even alien to the practice of our private mercantile and commercial establishments. We do not find that the railway companies or the other great commercial bodies of this or any other country have ever resorted to open competition as a means of choosing their servants. The change, therefore, to which the noble Lord's Motion points is not one of degree, like the Order in Council, which it was fully within the competence of the Crown to issue for the regulation of its civil servants, but goes far beyond that, and seeks to introduce an entire innovation. Moreover, it is evident that a scheme of that nature cannot be properly carried into effect except under the authority of Parliament; and for that purpose a Bill would have to be brought into this House, where the matter would be fully discussed while passing through all the successive stages of a legislative measure. The same ordeal would then be repeated in the other House; and thus the mature judgment of Parliament would be pronounced upon the policy of introducing such a system. I freely grant that it is difficult for an individual Member of Parliament to introduce a Bill into this House touching the service of the Crown, and I do not reproach the noble Lord for abstaining from taking that course and moving an Address to the Crown instead. But I put it to the House whether, if it be desirable that a practical measure should be submitted on the subject, it would not have been better to have resorted to the usual mode of asking leave to introduce a Bill rather than to have endeavoured to arrive at a decision under what I must term accidental circumstances—by which I mean by the result of a Motion for an Address to the Crown, assented to on a Thursday night, and carrying with it no more authority than the sanction of the limited number of Members who might happen to be present at that single discussion. I have now stated to the House the views on this question, which after careful consideration I have been able to form. I ask hon. Members who may be inclined to vote for this Motion, calmly to consider whether the Order in Council of last Session is not—as the Dean of Hereford described it—a most important step towards the improvement of our civil service; whether it has not been carried into effect with vigour and efficiency, and in a fair and independent spirit; and whether, before the experiment has been tried for more than a twelvemonth, it would be well now to interfere with its working by introducing hastily and precipitately an entirely new principle? I think the House will act a wiser part if it rests contented with the limited application of the rule of competition combined with nomination already in operation, and which, under reasonable restrictions, Her Majesty's Government are anxious to extend to other departments as new vacancies occur. We are also desirous to give the fairest trial to the system, and to accord the utmost support to the Civil Service Commissioners; and I therefore appeal to the House to refuse its assent to the Motion of the noble Lord, which would put a sudden termination to an experiment which ought at least to be continued for another year on its present footing, in order to afford us fuller experience of its tendency and results. For these reasons, Sir, I now beg to move the previous Question.

Whereupon *Previous Question* proposed, "That that Question be now put."

Mr. GLADSTONE: Sir, I have the agreeable duty to perform on this occasion of offering my best thanks both to the noble Lord who has introduced this Motion, and to my right hon. Friend the Chancellor of the Exchequer who has opposed it. I have to thank the noble Lord as well for his Motion as for the effective and prudent manner in which he has submitted it to the House. I have also to thank my right hon. Friend, first, because, although he is not prepared to accede to the Address now moved, he has yet adopted the mildest form of opposition to it by declining to ask the House to pledge itself to an absolutely adverse vote, and choosing rather to meet my noble Friend on the question of time. I am further indebted to my right hon. Friend for the ground on which he has based his opposition; for, in a more liberal spirit than is usually displayed by a man who makes a grudging admission, he freely acknowledged that the only principle on which this Motion can be discussed is, what is the rule that is likely to be most advantageous to the efficiency of the public service? If all men gave a *bonâ fide* assent to this concession of my right hon. Friend, I believe there would be little difficulty in disposing of the whole of this question. There is, I know, a general belief that the system of patronage and nomination for admissions to the public service is in some way or other connected with the upholding of the Government and the security of our institutions, or is necessary to the working of this House, and this is the real obstacle to the measure recommended by my noble Friend. The frank avowal of my right hon. Friend the Chancellor of the Exchequer has, however, fairly silenced that argument. I have likewise to thank my right hon. Friend for introducing into this debate the name of a distinguished foreigner whom I have the honour to number among my friends, and to whom the right hon. Gentleman referred as an authority on his own side of this question. Now, I should not be at all surprised if Count Montalembert, or any other Frenchman, or if any Prussian, or even any native of almost any other continental State, were represented as being afraid of a measure that would tend to give the highest efficiency to the public service. In countries where you have not got free institutions in full vigour and unfettered action, it may be a question whether it is desirable to concentrate all administrative and political power in the hands of a single class; but if I am told that in such a country as ours there is a danger of making the civil service too strong for the safety of the State, my answer is to point to this House, and to say that the Commons of England are strong enough to prevent the growth of any power that may be prejudicial to the safety and liberties of the people. It may, perhaps, in future times be a matter for consideration whether the House of Commons has not a tendency to overstep the boundaries of its own authority and to absorb all power in itself, but as long as it continues to possess the strength it has derived from its origin, its history, and its character, it is idle, pusillanimous, womanish, to talk with terror about making the civil service so strong in skill and knowledge that it may be likely to interfere with the free action and institutions of the country. England, I am willing to admit, happily occupies in this respect a different position from other countries. In certain continental States the experiment may be perilous; but in England you may make the civil service as strong as you please—confident that the stronger you may make it the more competent will you render it for the satisfactory transaction of the public business. I cannot but think that my right hon. Friend was rather unfortunate in his quotations from Montalembert, for he cited the very words that, in my opinion, cut the ground from beneath his own feet. Montalembert, one of the greatest masters of eloquence that France has ever possessed, deprecates the great increase of public appointments, and does so in language that would be an excellent answer for a Chancellor of the Exchequer when importuned to create additional offices. He objects to such a practice on the ground that it is detrimental to political morality, hurts the spirit of energy in a nation, and creates a crowd of hungry applicants for office, whose venal and servile habits threaten to lower the independence of departments, and who want even the poor merits that may accompany such qualities. Do you fear to promote the prevalence of a venal and servile temper? Then discourage nomination, for it is the system of nomination that fosters such a temper. The man who presents himself to have his merits ascertained is no hungry applicant. He does not cringe for favours—he does not sell his conscience, nor ask another man to be guilty of that baseness on his behalf. He comes thinking himself qualified in his degree to serve his country, and manfully requests that his competency to render such service may be tested by a fair and open investigation, where neither fear, nor favour, nor affection, may avail to procure for him a dishonest advantage. These are the views for which authority may be cited from Montalembert, and if my right hon. Friend is satisfied with the quotation, I can only say that I am not less so, for I believe that it goes much further to establish a case against his position than to support it. Among the eminent individuals whose suffrages were collected on this important question there was, of course, a class of persons connected with the interests of education in all its departments; and there was scarcely one—indeed I am not certain that there was even one—of all those who are practically acquainted with the state and conduct of education in this country, who did not only assent to the plan recommended by the noble Lord (Lord Goderich), but enthusiastically advocated its adoption. They all concurred in stating that no system of public endowment, however splendid, could do so much for education in England as the system now under consideration, which represents all the best results of endowment without its costliness or any other of its concomitant evils. My right hon. Friend the Chancellor of the Exchequer has quoted Dr. Dawes, the present Dean of Hereford, as opproving the present system. So, no doubt, he did, as a step in the right direction; but my right hon. Friend has arrested his own studies of the remarks of the Dean of Hereford at a very unfortunate point, for if he had gone but two pages further he would have seen that the Dean concludes with the expression of a hope that the present system will be carried to a much more advanced point, and that ultimately we shall adopt the system of competition. My right hon. Friend lays great stress on what he terms the grave responsibility that devolves on the heads of departments in appointing young men to office. Now, I confess that I should like to have analysed the mind of the right hon. Gentleman at the time he was making that statement. I entirely concede that there is a real responsibility resting on the heads of departments with respect to the public appointments that are made, but they are appointments made in the eye of the world, and not such as those referred to. My right hon. Friend asks why they do not apply the principle of competition to judgeships? The answer is plain. They could not ascertain qualities necessary to Judges by competition; but still responsibility in their regard rests on the Government. If the Lord Chancellor were to appoint a series of Judges with respect to whom it afterwards became clear that one-third of them would have been rejected on examination, the Chancellor would be taken strictly to account in this or the other House of Parliament, and be made responsible for the exercise of his patronage. But what is the responsibility of Government with regard to young men appointed to the Customs, or the Inland Revenue Department, or any other office of the civil service? If my right hon. Friend were to stand up in this House and assert that, in respect of such appointment, there is practically any responsibility whatever, he would be overpowered with the torrents, not only of his own laughter, but by the laughter of every one of his colleagues on the Treasury Bench. What I remember to have heard Mr. Wakley say on this subject is strictly true—"Ministers may be responsible, but they will not respond." Whoever heard of their being called to account for such matters? The offices are too insignificant. When, fifteen years ago, some officers of the Custom House were proved to have been implicated in most nefarious practices, what became of the responsibility of those who appointed them? No one ever dreamt of raking up the records of the Secretary of the Treasury to show that one of the guilty parties may have been a man who took a bribe of £50 at an election? The doctrine of responsibility in such cases is a pure delusion—a mere stalking-horse. Its reality exists, no doubt, in its own sphere; but do not use it as a stalking-horse in a sphere with which it has nothing whatever to do. My right hon. Friend, as it appears to me, laid by far too much stress upon the responsibility of the heads of departments. The head of a department has its own responsibility in its conscience, but so has every despot on the face of the earth. It is not that responsibility which my right hon. Friend means to apply to the public service, and which he says is the great security. The greatest security, however, is, the fullest examination of fitness. If the total number examined were 1,416, and if out of that number 463 were dismissed as utterly incompetent, although those nominations were made under the sense that the parties would be subjected to examination, what inference are we to draw as to the nominations which were made before any examination at all was in existence; before there was any check whatever on the disposition of hon. Gentlemen to consult their own political convenience and their own political interests, and to make a victim of the public service for the promotion of those political interests? The only and natural inference to be drawn is, that a large percentage of the persons appointed under the old system, must have been inefficient for their offices? My right hon. Friend has not supplied us with a great deal of matter for the prolongation of this debate, but he said, under the system of nomination, one advantage was that a single examination could be conducted in any particular spot, but if there were competitive examinations there would be the greatest possible inequality between the inhabitants of great towns and the inhabitants of small towns and country villages, inasmuch as the inhabitants of great towns would be at their own homes with their fathers and mothers, whereas the inhabitants of country villages would have to come up, say to London, and find lodgings at some expense while the examination was going on. Now does my right hon. Friend really see what is the apparent meaning of his argument? Does he really intend us to understand that if a particular person in a particular village in Hertfordshire, far less in Cumberland or Northumberland, had a nomination, the examiners would have to go down and examine him close to his paternal roof beside his own domestic hearth, and close to the graves of his ancestors? I apprehend this system of examination must necessarily be centralised, and the disadvantage under which the inhabitants of the country labour, as compared with the inhabitants of the town, is one of those which attach to rural life, and which is accompanied by many advantages not enjoyed by any other class. My right hon. Friend said, if we adopt this Motion, we must go on to establish competition for all minor and local offices throughout the country. I say, with respect to that, we have not got hold of them, the Government is not responsible for such appointments, and that is the very reason why my noble Friend (Lord Goderich) should not be charged with responsibility for the mode of election to those offices. But I beg the House to observe the very moderate nature of the Motion of my noble Friend. My right hon. Friend (the Chancellor of the Exchequer) has represented the Motion, as if he contemplated laying down a sweeping proposition that all admissions to the civil service whatsoever should be conducted by open competition. My right hon. Friend certainly could not have read the Motion. It assures Her Majesty that, if She is disposed to make trial in the civil service of the system of open competition, She will have the support of this

House, discharging its proper functions, namely, providing the means which the consequent expenditure will render necessary. Surely, "in making trial of that system," words were adopted for meeting, by anticipation, this objection, and showing that, on the contrary, my noble Friend would proceed prudently, and step by step, and apply the principle, not in doubtful cases, where fair argument might, perhaps, be raised as to the best mode of ascertaining the merits of those candidates, but in those cases where the advisers of the Crown feel assured that it is a fit and proper mode of so doing. I am bound to admit that, not only has Parliament established a very admirable and authoritative precedent by making admission to the civil service of the East India Company perfectly free, but that the noble Lord the present Secretary for War has, with great courage, introduced the system of perfectly open competition into an important military department—namely, the corps of Engineers. If, after admitting clerks to the Treasury and landing-waiters to the Customs, it were said, "Now apply this system to the Engineers," I could understand the plausibility of the argument. The question of admission to the Engineers has tenfold the difficulties attending it. You may be safe in admitting clerks to the Treasury, and landing-waiters to the Customs, but pause before you rashly determine upon unrestricted competition in giving admission to the Engineers. We are, however, placed in a different position. Lord Panmure has made the experiment. He has made trial, not fixed in letters of iron, in the difficult case of the Engineers, and I believe I shall be borne out by the voices of all who are cognisant of the results, that even in that case they were most satisfactory. Let the House dismiss the delusion that they are asked by a sweeping measure to make all appointments subject to competitive examination. The invitation is to make further trial, to give further extension to a system, the result of which, as introduced in a modified form, has been such as to encourage you to proceed. Although it is perfectly true, if you permanently fix the system and make it universal, I quite agree that it ought to be the subject of an Act of Parliament, you may have the system tried as last year, by the authority of the Crown, and you will have nothing to do but to vote the money connected with the establishment. All, then, that is necessary is publicly to address the Crown, respectfully imploring Her Majesty to proceed in the path on which Her advisers recommended Her to enter, that further fruits and benefits may be derived from a system which has already been found, in its very beginning, so advantageous to the country.

MR. LUSHINGTON said, he could not consider the Motion under consideration in any other light than as an attempt to establish the principle of open competition. For his own part he did not in the smallest degree object to the system of examination, and he last year supported the Motion of the hon. and learned Member for Cork (Mr. V. Scully). The Resolution began by expressing satisfaction at the zeal of the Commissioners in applying a remedy to the deficiencies of the civil service. Now, he (Mr. Lushington) had been some years in the civil service, and he could state that the deficiencies of the service had been greatly exaggerated. and that the Report of the Commissioners, proceeding upon false premises, led to a conclusion which was untenable and impracticable. That conclusion was, open competition. There were many papers written in answer to that Report by public servants of experience; and the feeling was general among them as to the impracticability of the scheme. Those who were in its favour were chiefly members of the Universities, disposed to carry theory too far—men of the same class as those who, in a scheme for national education, had desired to examine peasants' children in foreign languages and musical notation. Mr. Waddington, the Under Secretary for the Home Department, had written thus upon the subject:—

> "Why are the heads of departments the only proper persons to make appointments to the civil service? Because they are responsible for the mode in which their business is conducted—responsible to the Crown and to public opinion. They know best the nature of the work which is to be done, and the peculiar abilities and qualifications required. They are generally men of long experience, great penetration, and keen insight into character, and are the least likely to be imposed upon by recommendations and interest. Moreover, they have the means of making inquiries as to the birth, parentage, moral character, and acquirements of the candidates; and they have experienced men under them to give them assistance in making the selection, and as interested as themselves in making a good choice."

Even the Civil Service Commissioners stated they did not consider an intellectual examination to be an unerring test of the qualification of a candidate, and that the duty of ascertaining their character was attended with considerable difficulty. It was stated by the right hon. Member for the University of Oxford (Mr. Gladstone) that all the evils of patronage were owing to the system of nomination. He (Mr. Lushington) considered it was an undoubted evil that the nomination should be in the hands of the Secretary of the Treasury; but he did believe that those evils would not result if the appointments were vested in the heads of departments. The hon. Member for Dudley (Sir S. Northcote) referred to the influence this system would exercise on the general education of the country; but, as stated by Mr. Lingen, the Secretary to the Committee of the Privy Council on Education, the question should be considered apart from its bearing on education, or its benefits to individuals. The system now established required the candidates to pass an examination which was a complete test of competency, and he saw no reason for rushing into a new system. He did not see how competition would ensure competency more than nomination. Some of the Reports went so far as to recommend that no person should be promoted without undergoing a competitive examination, and in some cases he knew the rule had been enforced. If they once opened the door to competition, they could not stop short of that. For his part, he could see no objection to nomination by the heads of departments after the candidate had been subjected to an examination as a test of fitness. The requirements for clerks in the different offices were very different; and they required men who could be trusted, men of good faith and high honour, and it was universally admitted the public servants of this country were now men of that class. He believed they never would have heard much of this system of competition if the Ministers of State had always acted under a due sense of their responsibility in making appointments. If the system was carried out it would put an end not only to patronage, but to party; and the late Sir Robert Peel had well declared that the maintenance of party was a most powerful instrument of Government. If the Chancellor of the Exchequer, instead of moving the previous question, had met the Motion by a direct negative, he would have supported him. He would vote against the Motion because he believed a system of open competition was opposed to the welfare of the service of which he had been so long a member.

Viscount GODERICH said, that a technical objection had been pointed out to him to his moving the Address while Mr. Speaker was in the chair. It was an objection which had not struck him, and evidently did not strike Mr. Speaker at first; and, perhaps, as he was but a young Member of the House, the Government and the House would allow him to withdraw the Motion, and move it again in a slightly altered form — namely, that the House would resolve itself into Committee tomorrow for the consideration of the Address. The debate might be taken all the same and the division; but private Members had so few opportunities of bringing questions before the House, that unless they acceded to his request, it was difficult to see when he could bring it on again.

Motion and *Previous Question*, by leave, *withdrawn.*

Motion made, and Question proposed—

"That this House will, To-morrow, resolve itself into a Committee to consider of an Address to Her Majesty to thank Her Majesty for having caused to be laid before this House the Report of the Civil Service Commissioners; to state humbly to Her Majesty, that this House has observed, with great satisfaction, the zeal and prudence with which the Commissioners have proceeded in applying a remedy to evils of a serious character, the previous existence of which has now been placed beyond dispute; and also the degree of progress that has been made, with the sanction of the heads of various Departments of the State, towards the establishment of a system of competition among candidates for admission to the Civil Service; to assure Her Majesty of the steady support of this House in the prosecution of the salutary measures which She has been graciously pleased to adopt; and humbly to make known to Her Majesty, that if She shall think fit further to extend them, and to make trial in the Civil Service of the method of open competition as a condition of entrance, this House will cheerfully provide for any charges which the adoption of that system may entail."

Mr. EWART said, he was at a loss to see any material distinction between the plan proposed by the noble Lord and the proceeding advised by the right hon. Gentleman the Chancellor of the Exchequer—for it came equally to this, that it was desirable to introduce the system of examination into the public departments—he should, however, if the House were called upon to divide, vote in favour of the Resolution of the noble Lord. The right hon. Gentleman said that the directors of the great companies did not act upon this system. That might be true; but they were gradually introducing it; and if the Government were to set them the example they would hail it with pleasure, as calculated to be of the greatest possible service to all the public companies of the country. They had heard it said that a system of examination would lead to a bureaucracy. He (Mr. Ewart) did not understand how the terms bureaucracy and open competition could be synonymous or convertible terms. There might be a bureaucracy of ignorance as well as a bureaucracy of intelligence; he should infinitely prefer a bureaucracy of intelligence to the other. He thought that the adoption of this proposal would diminish, not increase, the power of the House of Commons, the extension of which the right hon. Gentleman the Member for Oxford University (Mr. Gladstone) had said would be dangerous to the State. We all remembered that it was said in the introduction to so common a book as *Delolme on the British Constitution*, that the great danger to this country would arise when the Legislature should usurp the functions of the Executive. Now, by introducing efficient public servants, the House would diminish its power over the Executive. It would be compelled to support the Government for its measures, not for its patronage. He entirely concurred with the hon. Member for Canterbury (Mr. Lushington), that personal honour and gentlemanly feeling ought to be taken into account in estimating the merit of candidates for appointments in the civil service; but he could not concur in the interpretation put by the hon. Member on Sir Robert Peel's defence of government by party—he was at a loss to conceive that by government by party Sir Robert Peel meant government by place and patronage. He thought that party meant (as Burke understood it to mean) the association of certain men together for the maintenance of certain principles. It was, in his (Mr. Ewart's) opinion, above all things necessary to eradicate the system of nomination—it exerted the most noxious influence over the House; it was the poison tree of the State; or rather the parisitical plant which stifled and exhausted the constitution round which it clung. It was the same system which prevailed in the United States—derived, perhaps, from us, and extended; there all places were vacated immediately on the appointment of a new President. If we were to take the first step in this matter, and introduce the system of open competition, we should not only do infinite good to this country, but should confer a blessing upon the world at large.

Mr. TITE said, that after the statement of the Chancellor of the Exchequer, he was not prepared to renew the recommendation which he had given to the hon. Member for Cork (Mr. V. Scully), when a similar Motion was brought forward last year. He thought that the promises which the Government then made deserved the attention of the House, and he would admit that those promises had been honourably and honestly redeemed, and the Report which had been laid upon the table showed, that in appointments made by the Government examination was now the rule. In his opinion the adoption of this system of competitive examination would have the best possible effect upon the character of education throughout the country. In no country in the world was education so costly and so inefficient as in England, as might be seen from the fact that, out of 1,456 candidates examined by the Commissioners, only 868 had passed. That education, for commercial purposes, was at a very low ebb he had himself had experience; for he and two other hon. Members of that House had for some time been endeavouring by competitive examination to select a man fit to fill a particular situation, but they had not yet been able to obtain a good bookkeeper who could speak French and Italian. It was admitted on all sides that examination was desirable, and the question for the House to consider was, whether it should be a competitive examination or not. The system of competitive examination had been adopted by the Inns of Court, by solicitors, and in other walks of life, and there was no reason why it should not be the rule of the civil service. From a statement made by Sir James Graham in the House the other night, it appeared that the total number of situations at the disposal of Government was 14,000, and that nearly 700 vacancies occurred yearly. If this vast mass of official servants were fairly chosen by merit, and not for political reasons, such miserable failures as had occurred would never arise, because incapacity would stand no chance in competitive examinations. He should therefore support the Motion of the noble Lord.

Mr. J. G. PHILLIMORE said, he should oppose the Motion. It was a fallacy to suppose that a man's merit could be accurately discovered by a single examination. It was not by one contest, but by the competition of a whole life, that the public pronounced opinion on a man. If the public were often mistaken notwithstanding the competition on which it depended, how much more probable was it that this shorter competition would fail to secure the object? It appeared to him idle pedantry to say that, by a public means of competitive examination, they could tell which of two persons was most competent to fill a clerkship in a public office. As regarded the spirit of party, which it was now so much the fashion to decry, he maintained that it was to that spirit that the country was indebted for nearly all that was great and good in its institutions; and, believing that what was now proposed would tend to diminish the fair and legitimate influence of party, he should vote against it. If a man joined himself to a party in whose principles he had confidence, he was justified in desiring, as Burke said, to see those who held those opinions in places where they might give effect to them. Examinations might be all very well for the purpose of ascertaining whether or not individuals were absolutely disqualified for offices which they applied for; but the question was, whether examiners were to have the power of deciding that, of two persons, he was best fitted for a public office who was best versed in classics or mathematics. In his opinion, under such a system it would often happen that the worst candidate would be selected. Though he gave his noble Friend credit for being actuated by the best motives, he believed he was mistaken in supposing that what he proposed would prove beneficial to the public service.

Mr. PHILIPPS said, he objected to the adoption of an abstract Resolution, such as that under discussion. He thought it was rather premature to call upon the House to express approbation of the mode in which the Civil Service Commissioners had conducted the examinations. He had great doubts as to the wisdom displayed in many of the questions. He remembered seeing the following among the questions put to a candidate for the civil service in India? "What was the political condition of the Welsh in the time of the Anglo-Saxons?" As a Welshman, he naturally felt considerable interest in the history of his country, but he certainly could not give much information with regard to its political condition in the time of the Anglo-Saxons, and he doubted whether any Member of that House—from the Premier downwards—could have answered so absurd a question. They must not disregard the probable effect of competitive examination on the mind of unsuccessful candidates and on the public. What security would there be that the examiners would conduct the examinations fairly, or that the public would acquiesce in the justice of their decisions? At present, if a person were rejected in his application for a public situation, he might soothe his wounded feelings by the consolatory reflection, that if merit were rewarded he would have been promoted; but under the proposed system, he would not only have the mortification of losing the prize he was seeking, but he would also be stamped with the mark of inferiority as compared with the person selected in preference to him. He thought that on the whole it would be much better for the House not to pledge itself to abstract Resolutions, and the system which had been commenced ought to be tried with extreme caution.

Viscount EBRINGTON said, that after the speech of the right hon. Member for the University of Oxford (Mr. Gladstone), he should not dwell on the difference between the servility engendered by hunting after places bestowed by patronage, and the honest independence with which a candidate for office by competitive examination presented himself to seek for public employment. He considered the present system of place-hunting most demoralising to applicants for public situations. Moreover, it ought to be remembered that many men wasted their best years in vain pursuit of places conferred by favour, whereas any one who studied hard with the view of obtaining public employment would, even if he failed in obtaining office, be so much the fitter for any other occupation. He could not help thinking that the putting an end to the present demoralising system of place-hunting would be one of the most valuable results of a system of competitive examination, which the Government had fairly and honourably adopted to a certain extent. The importance of having men of character selected for public employment had been dwelt on, but he really must say that in the disposal of the majority of places, in the gift for instance of the Secretary to the Treasury, character was not the one thing most essentially looked to. He defied any one acquainted with the working of the Government, to maintain that the present system of patronage afforded any effectual security for the character and moral qualification of the successful candidates for public offices. Though success in examination afforded no security for character in itself, yet in general it must be associated with the habit of self-denial and with systematic and laborious industry; and the possession of those qualities was more likely to insure higher moral qualities than the mere fact of some relation of the candidate having rendered some service to some Member of Parliament, who was expected in turn to render some service to some Minister. Depend upon it that it was not the best constituency that got the largest share of patronage. On the contrary, if they could have a return of the patronage distributed among the borough constituencies, they would find some places by no means immaculate almost saturated with Government places, and other large constituencies hardly receiving one appointment to every 100,000 inhabitants. Much of a Utopian character had, he thought, been said in favour of competitive examination; for he did not entertain any sanguine expectation of enormous changes to be effected through it, either in the efficiency of our public service or in the standard of education in the country; but, still he believed it afforded a better prospect of securing efficiency than the system of place-hunting and patronage, and held out a most honourable inducement for the extension of education. He believed that the great drawback and disadvantage under which the middle classes laboured with respect to education was the absence of good systematic examinations to test not only the proficiency of the pupils, but the quality of the teaching, so as to enable parents to ascertain where their children could with most advantage be placed. The efficiency of the public service was no doubt the principal object to be kept in view; but no small benefit would be derived from the effect of a system of competitive examination upon public education. He should heartily support the Motion of his noble Friend (Viscount Goderich).

Lord ROBERT CECIL said, he wished to call the attention of the House to the fact, that no speaker had as yet addressed himself to the arguments of the right hon. Gentleman the Chancellor of the Exchequer against the Motion. The force of the argument, that no railway company had adopted a system of competitive examination had been eluded by the citation of his noble Friend of the certificates of the Society of Arts, to which they invited the employers of labour to give weight. No one objected to give weight to certificates, but what they did object to was to make the result of the examination binding upon the Government. The system now in operation was a test examination, and it was a strange argument against it to say, that so many having been excluded under its operation it was desirable to do something else. This was saying, "The evil has been cured, so introduce new cures." His noble Friend (Viscount Goderich) was not more successful in citing the authority of the Secretary for the Colonies (Mr. Labouchere), for he was in favour not of open competition, but restricted competition. In the Civil Service Report every civil servant who gave evidence, except Mr. Wood, spoke strongly against the open competitive system. The permanent heads of departments, to the number of eighteen, gave an opinion that the scheme of a competitive examination was impracticable. Mr. Merivale said—

> "After all that has been or can be done, it will be found that the ordinary work to be done by clerks for many years after their admission does not require, nor reward, nor stimulate first-rate talent. The qualities much more frequently called into action are method, soundness rather than quickness of memory, perseverance, subordination, patience, resolution to endure the tedium of slow advance and uninteresting labour, and contentedness in the sphere of duty—whether this arises, as it often does, from high principle, or merely from conscious unfitness for more exciting and difficult employment."

Now, that opinion seemed to him to be founded upon the principle of common sense. A literary examination was assuredly no test of official aptitude. The most distinguished classical scholars had found themselves not remarkable for administrative ability. If they looked round they would not usually find those attainments united to the same qualities as those described by Mr. Merivale. He believed that the knowledge of mathematics, classics, history, and geography, desiderated by some of the friends of competitive examination, was not of the slightest use in the business of a public office. The usual qualities of the candidates certainly could not be tested by a public examination. They had in the Report specimens of the questions which it was supposed to be necessary to ask an unhappy candidate seeking a place of £90 a year—

> "Are the laws of England and Scotland in all respects identical? If not, mention the points in which they differ.
>
> "Describe the form of the various continents of the globe, and show how it has influenced the national character and history of its inhabitants.
>
> "Prove the formula cos. 2 A + cos. 4 A = 2 cos. 3 A cos. A. Determine the exponential expression for sin. A and cos. A.
>
> "Define specific gravity, and explain how, by means of a hydrometer, the specific gravity of a fluid may be ascertained?"

They might, he considered, require too much from the clerks in public offices, for there was a good deal of testimony to show that high attainments sometimes disqualified clerks from the duties they had to perform. Sir Alexander Spearman said—

> "You want integrity, patience, diligence, application, entire trustworthiness, and a fair amount of education, gentlemanlike habits, and good moral conduct. You may now and then find a brilliant man who will patiently and diligently labour at the technical and dry details which form so large a part of the duty of the public officer; but if you expect it as a rule you will be disappointed, even if you make the ultimate reward far greater than it now is. You may undoubtedly work with too fine an instrument, and when you do you will assuredly find that it will become useless."

One point urged against the competitive system had been treated with scorn, especially by the right hon. Gentleman (Mr. Gladstone) — namely, the apprehension that a bureaucracy like that of some continental States might be established among us. For himself, he did not regard that fear as so groundless and unfounded as the right hon. Gentleman appeared to do. If a competitive examination were introduced, a man who had read for years and invested his means in educating himself to pass the examination, might consider that he had a vested right in his office, and it would become more difficult than at present to remove those public servants who were untrustworthy. He believed that the supposed advocacy of education was at the bottom of the scheme, but an argument used by the right hon. Gentleman (Mr. Gladstone) in its behalf seemed to him rather to tell against him—namely, the argument that all the schoolmasters were unanimous in its favour. The overwhelming majority of the members of the civil service were opposed to the scheme of open competition; the overwhelming majority of schoolmasters were in its favour; and it was therefore, in his opinion, neither more nor less, from beginning to end, a schoolmaster's scheme. No doubt, if the public offices were turned into a congeries of exhibitions for the youth educated in the grammar schools of the kingdom, some impetus might be given to education; but he would beg the attention of the House to the opinion expressed by Mr. Lingen, the Secretary of the Committee of Privy Council on Education, on this subject. Mr. Lingen said—

> "It appears to me to be quite beside the question to discuss the organisation of the civil service as if it existed for the sake of the general education of the country. It exists, at least it ought to exist, for the sake of the work to be done, just as much as shipbuilding exists for the sake of ships, or shoemaking for the sake of shoes."

The system of appointing to clerkships in the civil service as rewards of literary merit was, unhappily, a system not entirely new in this country, although, hitherto, it had not been carried to any great extent. It had been too much the practice to reward distinguished literary merit by prostituting public appointments. Hon. Members must remember that a distinguished astronomer like Sir Isaac Newton was appointed Master of the Mint—an office for which he, in his (Lord R. Cecil's) opinion, was utterly unfit. [*Cries of* "No, no!"] Well, then, he perhaps might ensure the whole House agreeing with him when he spoke of the unsuitability of the distinguished poet Wordsworth for a place in the Excise. He believed that similar cases would be in the recollection of hon. Gentlemen with reference to persons now living whose names it would be invidious to mention. With regard to the Church, they still saw instances of high offices, requiring great administrative ability, great sanctity of character, and great dignity of demeanour, being bestowed as mere rewards for classical attainments, and he did not think the effect of such a system upon the interests of the Church had been so satisfactory as to induce a repetition of the experiment. What had been done in such cases—namely, bestowing official appointments not upon persons who were qualified for them, but upon persons who had shown their fitness for something else—it was now proposed to do in the case of every subordinate appointment; and that appeared to him so reactionary a scheme, such a revival of obsolete abuses, such a perverse system of putting the wrong man in the wrong place, that he, for one, could not give it his support.

MR. RICH said, he certainly must deny that Newton was unsuited to the office of Master of the Mint. He considered that the Motion of the noble Lord (Lord Goderich) deserved the support of the House, because it tended to the abolition of that system of patronage which he believed was condemned by almost every hon. Gentleman, and also because it would practically have the effect of promoting education throughout the country. The right hon. Gentleman the Chancellor of the Exchequer had reminded them that time ought to be allowed for the trial of the present system before they proceeded to change it. No doubt that was a consideration which might have weight with those who were opposed to the system of competition; but it could have no force with those who advocated entire competition. His noble Friend was not tied down by what took place last year, for the changes then introduced were not framed in a spirit of compromise. He gave the Government full credit for the steps they had already taken towards the establishment of competitive examinations for public appointments, and he trusted they would be prepared to persevere in the same course. As to the question of the moral fitness of candidates for appointments, which had been raised in the course of the discussion, he thought the qualifications of persons in that respect would be much more satisfactorily ascertained under a system of free competition than under the present restrictive system. He believed, also, that the system advocated by the noble Lord would have a beneficial effect by introducing into the public offices men of high education, generous feeling, and great integrity; who, as the heads of departments, would probably exercise more effective supervision and more strict discipline than could be expected under the present system, when the appointments to such positions were chiefly dependent upon personal or political influence. Upon those grounds he was fully prepared to support the Motion of the noble Lord, believing that it would lead to a vast improvement in the public service, hold out a strong inducement to young men to educate themselves, and promote the cause of education itself throughout the length and breadth of the land.

Lord Robert Cecil

MR. LABOUCHERE said, he hoped that, as his attention had recently been called to the subject under consideration, in which he took great interest, he might be permitted to address a few remarks to the House with reference to the present discussion. He thought the Minute by which the Board of Examiners were appointed left it open to every head of a department to adopt the mode he thought best in filling up the vacancies in his department. In common with the other heads of departments, he had been obliged, with the view of answering the questions put to him by the Commissioners, to consider what was the best mode of supplying vacancies in the Colonial Office. He trusted that he entered upon that inquiry with no intention to prejudge the question. Nothing in the Minute of the Board of Examiners prohibited a recourse to unrestricted competition; but upon the best consideration which he was able to give to the subject he satisfied himself that the best means of filling up a vacancy in the Colonial Office was to select, upon his own responsibility, a limited number of candidates, taking such means as he thought proper to ascertain that they were young men of gentlemanly feelings and habits, to which he attached quite as much importance as mere moral or intellectual qualities, and also that they were highly educated, and then to ask the Examiners to choose from them the person best qualified for the situation. There was a vacancy in the Colonial Office at the present moment. He believed there were seven candidates, each of whom would of course have to undergo an examination, and he was firmly convinced that he had adopted a better mode of supplying the vacant clerkship than if, without previous inquiry, he had advertised to all the world that the situation would be thrown open to unlimited competition, and that the person, whoever he might be, who should pass the examination most to the satisfaction of the Board of Examiners would be selected. It had been asserted that the responsibility of heads of departments amounted to nothing at all; that those candidates for public employment who were recommended by Members of the House of Commons or by political connections of the Government would be preferred; and that, in short, we should still have all the vices and corruption of the system of patronage. Now, all he could said in reply to those observations was, that such abuses, if they were possible, must be owing to the grossest malpractice on the part of heads of departments, but he thought we had the best security against the occurrence of such evils. When once it became known that any vacant place in the public service would be competed for by highly-educated young men, the friends of persons who might be anxious to obtain the situation would be extremely cautious how they put their relatives in the position of candidates, unless, indeed, they had good reasons for supposing that they would be able to pass the examination with credit and success. He could assure the House, upon his honour, that he had not received a single application for the vacant clerkship in the Colonial Office from any political or party friend whatever, although the fact of such a vacancy being about to take place was perfectly well known to many persons. The applications had been from quite different sources; they had come from the great educational establishments of the country. The Dean of Christchurch had sent him one name; Dr. Jelf, the head of King's College, another; the Master of the Charter House, a third; and two had been received from the educational institutions of Ireland. He had himself added the names of two candidates—one the son of a gentleman whose services to the country through the medium of the Colonial Office, continued for a long series of years, had been inestimable, and who did not wish his son to be appointed unless he was found, on examination with others, to be the best qualified for the place; the other, the son of a gentleman who had distinguished himself in the public service in one of the colonies, but whose career of usefulness was terminated by death at an early period of his residence in an unhealthy climate. With these young men, all competent for the vacant clerkship, and with the securities for their good moral character and gentlemanly behaviour which he had stated, he firmly believed that, aiming at a practical result, he was more likely to obtain for that department of the public service, the efficiency of which he was bound, as far as he could, to secure, a good and useful clerk, than if he had thrown the situation open to public competition. He flattered himself that by the plan he had adopted it was possible to unite the advantages of both systems—namely, to obtain security for those gentlemanly habits which he held to be of the highest importance, and likewise to procure for the public service intellectual ability and attainments of the first order. It had been said that heads of departments, who were constantly changing, did not care whether they left behind them competent clerks or not; and he was sorry to observe that the right hon. Gentleman the Member for the University of Oxford seemed to attach some importance to that argument. Had the right hon. Gentleman so low an opinion of men placed in great situations—Secretaries of State, for example—as to believe that they did not care what injury they might inflict upon the departments to which they belonged, provided it did not bear fruit in their own time? Assuredly they did not act in obscurity. Their conduct was watched by men who had the deepest interest in the efficiency of the public offices—the permanent Under Secretaries, whose good opinion they would forfeit if they attempted to turn their patronage into a mere job to the injury of the country. But it must be remembered that, in spite of the moderate appearance of the Motion, it would, if adopted by the House, express on the part of the House a preference for the new system; and unless they had made up their minds that it was the best system, and ought to be adopted, they ought to negative the Motion. In the higher departments of Government, such as the Foreign and Colonial Offices, and the Treasury, he thought a system of selection from a limited number of candidates was the best to be pursued. He was not sure, however, that in the lower departments of revenue, where a very low qualification was necessary, that a test examination would not be the best. On that point, however, he could not speak so confidently, as his attention had not been so strongly called to it. The noble Lord's Motion expressed a wish that the system which it enunciated should be tried. As far as that went he (Mr. Labouchere) apprehended that it was in the power of any public man at the head of a department to try it now; and the wheel of fortune turned round so quickly in these days, and the succession of public men was so rapid, that he should not be surprised if before long there should be public men in office who might be ready to apply it. As he understood the Resolution, however, it expressed, as he had just stated, a preference on the part of the House for the system proposed. He therefore asked the House to pause before they did that. The House of Commons must not play fast and loose, and unless they had made up their minds that that system was the best, they ought not to agree to an Address to the Crown such as was now asked for. He thought that the Motion was quite unnecessary. The present system, which was confessedly a great improvement on that formerly in vogue, had scarcely yet had a year's trial; and it appeared to him that to call for any expression of opinion on the part of the House was, to say the least of it, premature. He denied that there was anything like a tone of sycophancy or servility to be found pervading the public offices. On the contrary, there was to be met with there the most cheerful, the most ready, and the most cordial co-operation on the part of the clerks—by whatever Government appointed—with whomsoever might at the time be at the head of that department; and this he attributed to the high sense of public duty and the high gentlemanly feeling which prevailed in the public offices.

VISCOUNT GODERICH, in reply, said, he had heard nothing in the course of the debate which should make him shrink from asking the House to come to a decision upon the Resolution which he had proposed. The argument of the right hon. Gentleman who had just sat down, which had been founded upon his own practice in the Colonial Office, appeared to him (Viscount Goderich) to be one directly in favour of his Motion. He doubted, however, whether the pressure upon the time of the heads of the Foreign Office or the War Office would permit them to exercise so much care in the selection of candidates to fill up vacancies as that which the right hon. Gentleman (Mr. Labouchere) had exercised in the case of the Colonial Office. The right hon. Gentleman, in fact, though not in appearance, had followed the system that he (Viscount Goderich) had ventured to recommend. It had been said, however, by some hon. Gentlemen, that the system now proposed ought not to be extended to the revenue class. Now, one of the strongest advocates of the system was Mr. John Wood, who was at the head of a great revenue department. The noble Lord opposite (Lord R. Cecil) said that, with the exception of Mr. John Wood, all the civil servants who had given evidence on the subject, were opposed to the system now proposed. That, however, was not the case, for Colonel Larcom, Major Graham, Mr. Power, and Mr. Anderson were all in favour of it.

He did not think that the adoption of that system would lead to the danger which had been prophesied. He contended that the argument used by the right hon. Gentleman the Chancellor of the Exchequer rather tended in his favour, for he found the right hon. Gentleman had stated there were 1,416 candidates examined by the Civil Service Commissioners, and out of that number 468 had been rejected for incompetency, which gave a percentage slightly higher than that given in the Report on the table.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes 108; Noes 87: Majority 21.

GRAND JURIES (IRELAND).

SIR DENHAM NORREYS said, he would now beg to move for leave to bring in a Bill to relieve grand juries from fiscal duties, and to place the administration of local affairs in Ireland in elected councils. The Bill was the same as that of last Session, on the introduction of which he stated an outline of its provisions. As the hon. Members who he expected would have opposed his application were not present, he would simply now move for leave to introduce the Bill, and reserve his statement for the further stages of the measure.

MR. O'FLAHERTY seconded the Motion.

COLONEL DUNNE said, he would not object to the Motion. The great objection to the introduction of the Bill was the cost of printing it. As he felt certain it could get no further, he would withdraw his objection to it on this occasion.

Leave *given*.

Bill *ordered* to be brought in by SIR DENHAM NORREYS, MR. FAGAN, and MR. POLLARD-URQUHART.

ARMY SCIENTIFIC CORPS.

CAPTAIN LEICESTER VERNON said, he rose, according to notice, "to call the attention of the War Department to the prospective promotion and the establishments of the scientific corps, with a view to maintaining their efficiency in peace for the purposes of war." He thought he should be able to show the House that it was of such consequence to maintain the efficiency of the two most important branches of the service that it was a national rather than a departmental question. At the commencement of the Peninsular war the branches of the army to which his notice referred were exceedingly deficient, there being few gunners and no sappers and miners, while the senior officers were far advanced in the decline of life, and the junior wholly destitute of experience. The demand, however, produced men of the requisite talent, and a Burgoyne and a Smith, a Dickson and a Ross, speedily appeared on the scene. The Duke of Wellington then remodelled the artillery, and introduced sappers into the service for the first time. If the English general had had but a single company of the latter corps at Burgos — the only instance in which he failed in all his Peninsular campaigns—that place would have been carried by our forces. Peace at length returned, bringing with it reduction and stagnation; and when the late war broke out we were in no better preparation as regarded the *personnel* of our scientific corps than in 1808. In fact, so low had our artillery become that it could not carry on the siege of Sebastopol without help from the naval brigade. The sappers comprised only about 2,000 men, scattered over the whole world and engaged in every variety of scientific duty. But for the defective strength of these corps most of our disasters in the Crimea might have been completely avoided. Apart from higher considerations, and regarding the matter simply in an economical point of view, the maintenance of the scientific branches in a state of efficiency in time of peace would have been a course preferable to the one adopted. If our engineers, artillery, and sappers and miners had been in adequate force, the redoubts at Balaklava would not have been left to the charge of the Turkish troops; and if those redoubts had been raised under the direction of such men as Gordon and Chapman, the Russians would never have seen the inside of them, for they could have been successfully held by British artillery. Moreover, had they been entrusted to such good keeping, we never should have had to deplore the disastrous military massacre at Balaklava, as it might be fitly termed. He thought the House was scarcely aware what that disaster cost the country. An infantry soldier, before he was thoroughly equipped and brought into the field, cost the country £100; a cavalry soldier, who required far more training, cost double that sum; and, inasmuch as a dragoon without a horse was no dragoon at all, his charger, when perfectly seasoned and five years old, could not be valued at less than another £100. *The Times*, speaking the other day of the troop horses in the Crimea, reckoned them at £200 each; and, accepting that figure as accurate, which he was willing to do, the mounted dragoon at Balaklava with sword drawn and ready to fight, cost the public not less than £400. The disastrous charge at Balaklava killed and put *hors de combat* 422 men; but, taking the number at only 400, the aggregate loss in money occasioned by what *The Times* described as "this fool's promenade" amounted to £160,000. If the sappers and miners, at the opening of hostilities, had been in sufficient strength, they would have themselves made a road between Balaklava and the camp, thereby obviating what he should always consider as a great blunder, the creation of the Army Works Corps, for which the House only the other night voted upwards of £400,000. The same body would also have constructed the railway in the Crimea, the whole expense of which, it seemed, we were never to know precisely, though from first to last it would doubtless reach the rate of at least £70,000 per mile. Again, an adequate corps of sappers and miners might have housed our troops, stabled our horses, enabled us to defend Inkerman, and, in short, prevented the series of misfortunes which wore our regiments down to a shadow, and under which the 63rd Regiment in particular, arriving during the inclement season, in something like one brief week, melted away and vanished from the list. From the extinction of that regiment, at the rate per man already mentioned, the public sustained a pecuniary loss of at least £100,000, and, adding those various items together, the total sum sacrificed by reason of the inadequate strength of the scientific branch when the war commenced could not, therefore, amount to less than would have sufficed to maintain those corps on a war footing throughout the whole intervening period of peace. Coming next to the question of promotion, when the military branch of the Ordnance service was transferred to the Horse Guards, it was hoped that a modification of the system would have been extended to the scientific corps, and that they would have been benefited by something like the army promotion, but to their dismay they found that there was a disposition shown to turn the army into that slough of despond, a seniority corps. It was thought by many that, under the purchase system, money without merit would advance, and merit without money remain stationary; but, in the service at least, there was not that feeling against purchase which was frequently imagined to prevail. A work, entitled *Memoirs of Peninsular Generals*, showed that fourteen of these commanders —all men who had won for themselves positions of the highest distinction—had all risen in the service by purchase. The author of that book, a gentleman of good family, a nephew of Sir Lowry Cole, but without wealth, stated in his preface that he entered the army after a regular preparatory training at an early age, and with an ardent desire to earn promotion; but that, in consequence of his want of money, he was repeatedly purchased over — that, nevertheless, he felt bound in justice to admit that the juniors, who by the regulations of the service and the accidents of fortune had stepped over his head, with scarcely an exception, were all fully qualified to discharge the duties of their position and zealous to promote the efficiency of the service. The fourteen generals mentioned in Mr. Cole's book were officers who had highly distinguished themselves in the Peninsula, and every man of them had been promoted by purchase. The children, so to speak, of that system, they were pitted against French Marshals, most of whom had risen from the ranks, and whose eminence had been very generally attributed to that fact. What was the consequence? The English purchase-men closed with the French Marshals wherever they met them, fought them foot to foot and hand to hand, and drove them back from the lines of Lisbon to the gates of Paris; beat them collectively, beat them individually, from Jourdan, who, from being so constantly beaten, was called the "anvil," and Massena, the *enfant cheri* of fortune, down to Soult, the best French general who ever lived, with forces inferior in number, and Babel-like, from being composed of many nations. Now, it was well known that the East India Company's Service did not profess to acknowledge the purchase system; yet the officers were obliged to establish a kind of purchase of their own. They raised money among themselves to buy out the officers who impeded their promotion, and were it not for this practice the service would come to stagnation and be intolerable. But then it was said, "Look at the French service." That system had been greatly commended as one that harmoniously combined three principles of promotion—merit, seniority, and interest—but there was reason to doubt whether it worked quite as well as was generally supposed. Some French and English officers, coming home the other day from the Crimea in the same transport, conversed about promotion—of all topics the most attractive to military men. The English officers were, as usual, loud in their praises of the plan adopted by our allies, but they were corrected by an old French officer. "Be not deceived, gentlemen," said the *vieille moustache*; "you may disabuse yourself of that idea—to advance with us you must have a relative in the *bureau* of the Minister of War." That observation showed that things did not go on quite as smoothly in the French army as was commonly supposed. Moreover, it should be borne in mind that, under the French system, a man who had not attained a certain rank within a certain time was compelled to leave the service—a regulation which was continually depriving it of some of its best members. Men still vigorous were mercilessly turned out of the army, though unfit for any other profession. They lingered disconsolately about the *estaminets* of Paris, their soldierly walk and gallant bearing denoting what they once had been, while their threadbare coats and haggard faces too plainly indicated what they now were. Now, he would ask, was it desirable that the officers of the English army should be reduced to such a condition? Like the benevolent individuals who, unmindful of what was happening at Whitechapel, sent missionaries to Timbuctoo, our military reformers drew their illustrations of the seniority system from foreign countries, forgetting that there were three branches of the British service—the Marines, Artillery, and Engineers—in which that system obtained, and in no one of which did it work well. Its effect in the Marines was to officer the force with old men. The hon. Member for Richmond (Mr. Rich), when the question of purchase was before the House on a former occasion, had referred to statistics to show that our present system produced captains of thirty years of age, and majors of forty years of age; and he wished that we should go back to the seniority system. But the hon. Gentleman appeared altogether to ignore the fact, that there were in the British army three seniority corps—the Marines, which he (Captain L. Vernon) placed first, as being the worst off, the Artillery, and the Engineers. He remembered some years ago being on church parade at Woolwich, when the Marines, which corps was brigaded with the sappers, came on the ground, and that a brother officer, Sir William Denison, noticing that the adjutant of the Marines was a tolerably young man, exclaimed, "A wonder out of Heaven—a young marine!" The Engineers were almost in an equally bad case. General Du Plat once wrote a pamphlet to show that as regarded promotion they were the "worst off" corps in the service, and he mentioned the case of one officer in particular who was the worst off man in the corps, and consequently the worst off man in the whole army. The officer in question had served in every climate, wherever the drum beat he had followed; yet he was twenty-four years a lieutenant, and he was forty years of age before he was a captain. To the truth of that statement he could bear his personal testimony, for he happened to be the unlucky individual referred to. He had served for nearly half a century in a branch of the service where education, incessantly progressive, might be said to begin with the cradle and end with the coffin, and during that period his pay was something less than that received by the driver of a Paddington omnibus. So much for the seniority system. The Duke of Wellington used to say that an infantry soldier might be formed and made fit for service in four months. Napoleon proved that less than two would suffice, for he conquered at Lutzen and Bautzen with conscripts who had only been seven weeks in his army. A soldier of artillery or the sappers could not be formed in less than two years, but at the end of that period he was thoroughly accomplished in his profession, and was competent, not only for his own peculiar duties, but for those also of an infantry man. It was a wise economy, therefore, to encourage such a soldier, even though his pay exceeded that of the infantry man. The fortified places should be held chiefly by battalions of Artillery and Sappers. In peace the Sappers, he was certain, were the cheapest troops to maintain. He regretted occupying the time of the House so long, but he had thought it desirable to show the necessity of maintaining, in due efficiency, a scientific corps, so that it might not happen again, as it had recently happened, that, for want of such a corps, thousands of men and millions of money were sacrificed.

Mr. SPEAKER: I must remind the hon. Member that there is no Motion before the House.

Captain LEICESTER VERNON: My notice, Sir, was, that I would call the attention of the War Department to the subject. I move that the War Department direct its attention to the subject, or I will move an Address to Her Majesty—[*Cries of* "Withdraw."]—Very well, Sir, my object having been to direct the attention of the Government to the subject, I shall not move anything.

Viscount PALMERSTON: Sir, the hon. and gallant Member has executed his notice. The matter he has brought under the notice of the House is one of great importance, and I can assure the hon. and gallant Member that due attention shall be paid to it by the Government.

PUBLIC MONEYS.

Sir FRANCIS BARING said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would save him wearying the House with a very uninteresting subject. If he had the assurance of the right hon. Gentleman that no objection would be made to the appointment of a Committee for the purposes of which he had given notice, he would at once resume his seat. He must otherwise make a very dull speech, and he did not think his right hon. Friend would make a very lively answer. He wished to spare the House, but as he received no response to his appeal he must go into the whole case. He desired at once to discharge from the mind of the Chancellor of the Exchequer any impression that it was his intention to move for a Finance Committee. Nor did he wish to enter into the question of establishments to see whether a clerk might not be discharged here and a messenger there, or into the details as to the mode of keeping accounts, whether by double or single entry. But he thought he should convince the House of the propriety of inquiry being made into the general accountability for public money. It might be well if he were allowed to state what he considered a good system should secure:—first, that the money should be properly spent, that the regulations of the departments should be properly carried out, that proper vouchers should be produced for the actual payment of money; secondly, that the Treasury, the finance department, should have general superintendence of all the other departments, not for the purpose of inquiring into small details, but that it might be able to hold a supervision over the general expenditure of the country; thirdly, Parliament ought to be satisfied that the money voted was not only spent for the public service, but for that particular public service for which it was voted. Now, in discussions, he thought that weight was often attached to some one or two of these points, while the remaining were neglected — thus official men were very apt to say that each department could audit its own accounts better than the Audit Office. That was quite true in one sense, and if the first point were only required, because very good care would be taken that the vouchers should be correct, and the money spent for the public service. But, it seemed to be entirely forgotten that there ought to be a check of the Treasury and a Parliamentary check carried out, not only in one, but in every public service; and by a departmental audit both these checks were either weakened or neglected. Again, the Treasury were apt to argue that, if their check was provided for, the arrangement was satisfactory; but, after all, the Treasury was but a public department, and might have temptations like other departments, and a tendency not to apply the public money according to the intentions of the House. There ought to be, therefore, a check on the part of the House of Commons. He did not, however, at all appear as an accuser, he merely wished to point out the deficiencies of a system, deficiencies arising from changes of which he generally approved. He was far from wishing to impute dishonest practices to the Treasury or elsewhere; it was not that the moneys were not wholly applied to the public service, but that they were not applied in accordance with the Votes and intentions of Parliament. He would now proceed to explain the different points which, in his opinion, required investigation. He would first take the payment of public móney into the Exchequer, and upon that point he would remind the House of a case to which he had the other day called their attention. He had asked for an explanation relative to a sum of nearly £250,000 which had been abducted in its progress to the Exchequer. The fact itself was a strong proof that no sufficient check now existed upon the manner in which money was paid into the Exchequer; and the explanation he received, although satisfactory as regarded persons, was very unsatisfactory as regarded the system. He was told that the Treasury had power to deduct the money by issuing a Minute. Now, if that Minute was in perfect conformity with precedent and law his case was stronger, for a system which allowed the Treasury by a Minute of its own to stop nearly £250,000 on its way to the Exchequer certainly called for some inquiry. Again, great alterations had lately been made in the manner in which gross revenue was paid into the Exchequer. Money arising from the sale of old stores and other sums of that kind, previously deducted from the separate items voted in a Committee of Supply, were now carried into the Exchequer, but he should like to know in what way and at what time they were so carried? He should also like to know the rules which regulated repayments, never having been able to ascertain what those rules were when he held office. Next, as to the issues—all the sums paid to the different offices were now issued from the Exchequer to one Paymaster. Before 1836, the Exchequer paid the money intended for the Navy to the Treasurer of the Navy, that for the Army to the Paymaster of the Forces, that for the Ordnance to the Treasurer of the Ordnance, that for Civil Service to the Paymaster of the Civil Service, and other sums, in the same way, to a number of other accountants. That was an expensive system, but it had this advantage, that whatever money was issued for a particular service could be applied only to that service. The moneys once in the hands of their several paymasters could not be moved from one service to the other. Soon after the passing of the Exchequer Bill, the offices of the Treasurers of the Navy, of the Ordnance, and of the Forces, and subsequently those of the Paymaster of the Civil Service and of some other departments, were consolidated. Now, what had been the effect, the unintentional effect, of that consolidation? Why, all the sums that were issued went into the hands of one paymaster, the money intended for the Navy was paid into the same office as that intended for the Army, the distinction that was formerly of necessity made between the various funds no longer existed, and a custom had grown up of making advances from one department to another of those funds. Thus the money voted for the Navy, for instance, after it had been received by the Paymaster General, was regarded as applicable to any service to which he or the Treasury might think fit to apply it. Whether that system was a proper one or not he thought its establishment was not intended either by the Exchequer Bill of 1835 or by the regulations of the Paymaster General's Office. The House ought, therefore, to consider whether they would allow an entire change to be made in the application of their Votes. If all the money voted by that House were to be put together in the Pay Office, leaving that office to set its accounts right at the end of a certain period, it seemed perfectly unnecessary to go through the farce of voting separate sums for each particular service. His own impression was that the old system was better; the present one, although it might not be inconvenient to the public departments or to the Treasury, was certainly very inconvenient as far as the House of Commons was concerned. Another important principle was that all moneys should be paid direct into the Exchequer, and the Paymaster should receive from no other source than the Exchequer. If moneys were paid into the Pay Office which were not received from the Exchequer, advances might be made from one department to another over which the Exchequer and Parliament could have no control. The principle upon which he was insisting was ignored in the case of a Bill recently introduced by the right hon. Gentleman the Vice President of the Board of Trade (Mr. Lowe), by which it was proposed that money which was to be taken from the different ports, and to be placed under the control of the Board of Trade, should be paid at once to the Paymaster General, without going through the Exchequer. He had, on a previous occasion, mentioned the case of old stores, the receipts for which had found their way into the Pay Office, and not direct into the Exchequer. His opinion was, that no money ought to reach the Paymaster's hands except through the Exchequer—the channel in which the public funds should flow; and any stream that ran irregular into the Paymaster's Office ought at once to be arrested and dammed up. He would now come to the Audit. There was great irregularity and many differences in the mode of auditing the accounts of the various departments. One check was the old system on which the departments audited their own accounts. That had been very much improved by a Minute of the year 1840, when he (Sir F. Baring) was at the Exchequer, which had been carried out by Sir Charles Trevelyan, with whom, however, he was bound to say, he did not always agree, with great energy. The second mode of audit was by an entirely independent Board of Auditors. The objection to that system was, that in matters of detail it was very difficult for that Board to audit the accounts without having recourse to the departments. In order to meet that difficulty, a third mode, which was admirable so far as it went, was devised. It was instituted by a Bill brought in by the right hon. Baronet the Member for Carlisle (Sir J. Graham), and was first applied to the accounts of the Admiralty. That system was, that at each department there should be placed a certain number of audit clerks, who should have power to ascertain, not that every expense was properly incurred, but that it was posted under the proper Vote of Parliament, and had the usual vouchers. That was, therefore, a local audit but with the check that Parliament could ascertain that all the expenses were under their proper heads. The necessity for such a check was shown by the fact that there was in one of our dockyards a long row of buildings which had been erected without Parliament having voted any money for the purpose, their cost having been defrayed out of money voted for materials and labour. That system first tried in the Navy, had since been applied to the Army, to the Ordnance, and to the Commissariat accounts. He was of opinion that it was one of the greatest improvements which had recently been introduced into our service; but the papers with respect to the transfer to the Commissariat Department which had recently been laid upon the table showed that that, which was the best check which we had, required at least consideration. In a Minute, which appeared to have been approved by the Treasury, Sir Charles Trevelyan said—

> "The duty of the War Department is to conduct its share of expenditure according to the rules laid down in Appropriation Acts, Royal warrants, and other instruments which have received the sanction of Parliament and of the Treasury. The duty of the Audit Office is to see that the expenditure is so conducted. Every public department stands in need of some external check. Even with the best intentions, new constructions might be placed upon existing rules; new practices might arise which, without alteration of the system, might entirely change its practical operation. These objects have as yet only been partially attained. The accounts and vouchers of the War Department are examined by the Com-

missioners of Audit, under the provisions of the 9 & 10 *Vict.*; but their action is confined to ascertaining that every payment is charged against the proper Vote, and that no payments are made under heads not authorised by Parliament, and certifying the accounts annually laid before the Treasury and Parliament. The nature of this examination, which is conducted in the office of the War Department by one or two clerks deputed from their own office by the Commissioners of Audit, would not, probably, admit of a very searching revision."

Sir Charles Trevelyan, therefore, stated distinctly that under our present system the objects which he had in view had been only partially attained, Nor did he stand alone in this opinion. Mr. Hoffay, the assistant paymaster, said—"The problem of effectually checking the proceedings of the large administrative departments is still to be solved." Mr. Romilly, the chairman of the Audit Board, said—

> "I do not well see by what means the Audit Office can maintain a check over the observance of established regulations, except by the examination of the vouchers in detail."

The House had, therefore, the opinions of Sir Charles Trevelyan, Mr. Hoffay, and Mr. Romilly, that there were defects in this, which was the best part of our present system; and he thought that was enough to show that even in regard to it there was ample room for inquiry. In other parts of the system also inquiry was absolutely necessary. In the case of the Customs and Excise the whole or the greater part of the gross revenue was paid into the Exchequer, whence it was issued under Votes of Parliament. Those accounts were, he believed, ultimately audited by the Audit Board, but Parliament knew nothing of that audit. The accounts presented to it were not the audited accounts, but those made up by the departments. The heads of those departments would, he knew, be the last men in the world to do wrong; but we ought not to rely upon the characters of individuals. Figures were figures, and had nothing to do with character. In the case of the Navy, every Vote was checked by the audit officers, and if anything was done which was inconsistent with the Votes of Parliament, attention was immediately called to it. With regard to the Customs and Excise, he was not aware that any thing of this sort had been done. If, however, the principle were once admitted, he did not see why any branch of the service should continue free from those checks which were properly attached to the great administrative departments. With regard to the Civil Service Votes, Mr. Romilly made the following observation:—

> "The Audit Office cannot be said to exercise a central and independent check over the whole public expenditure as long as the expenditure under the miscellaneous Votes is not subject to the same check as the expenditure under the Army, Navy, and Commissariat Votes."

That showed that the Civil Service Votes were not submitted to the Audit Board, and with regard to those also, therefore, as well as the Customs and Revenue Departments, he ventured to think he had made out a case which, if it had not satisfied the right hon. Gentleman the Chancellor of the Exchequer, would, he thought, justify him in the opinion of the House for having brought the subject under their notice. There was another point, however, which called for the most serious consideration. The large amount of expenditure which had formerly been audited by the Audit Board had lately been transferred to the departmental audit, without the sanction of Parliament being asked in any shape. That might be a beneficial arrangement, but he contended that the power of taking such a step without consulting Parliament was too great to be left to the Treasury. It was not very long since that the whole business of the Commissariat, including the banking business, had been transferred to the War Office; the banking business had been brought back to the Treasury, but if it had been continued at the War Office, the whole of these most important accounts, and which required most check, would have been transferred to a departmental audit. Now, that, he asserted, was a state of things which ought not to be permitted. Two years ago, he had ventured to suggest that a Commission, consisting partly of persons who had been in office, and partly of other persons, should be appointed to investigate the subject which he now brought before the House. He had waited two years in the hope that some one else would undertake the very laborious task of bringing the subject before Parliament, but as nothing was done on the one side, while on the other much was being done, which, to say the least of it, was a departure from all former rules, he had felt it his duty to ask the House to take the matter into its own hands. If a Committee were appointed, he felt confident it would be found he had understated the case. The right hon. Gentleman concluded by moving for a Select Committee to inquire into the Receipt, Issue, and Audit of Public Moneys in the Exchequer, the Pay Office, and the Audit Department.

Mr. GLADSTONE said, he did not know whether the suggestion to appoint a Commission to investigate this subject, which he understood the right hon. Gentleman to say he had made two years ago, was a public or a private suggestion, but if it was made in his hearing he was sincerely ashamed of himself for not having a more distinct recollection of it. He knew, however, pretty well what his answer to that suggestion would have been had he heard it—it would have been that he cordially approved of the suggestion in substance, but that he thought the time had not come for giving effect to it, on account of the changes which were then in progress. No one could have listened to the speech of the right hon. Baronet without admitting that it contained matter very fit for inquiry. He had opened out a wide field for inquiry, and if he had pleased he might have made it much wider. There were many matters connected with the receipt, issue, and audit of the public expenditure, and with another item which the right hon. Baronet had not mentioned in his Motion, but which, no doubt, he intended should be included in it—the account which was the record of the receipt of public money, into which an inquiry ought to be made in a comprehensive manner and before a tribunal competent for the purpose. The forms of that House under which the issue of public money was permitted, and the rules applicable to that issue, involved many matters of great interest and importance in which the reforming hand was much needed. The only point on which he was inclined to differ from the right hon. Gentleman was as to the mode of inquiry. He did not know what were the reasons which had induced the right hon. Gentleman to alter the form of his Motion and to suggest a Committee instead of a Commission, which he had originally proposed; but, in his opinion, the inquiry would be much more effectually conducted if intrusted to a small and carefully chosen Commission. There were a great number of questions connected with the subject so technical and so minute that he was apprehensive that it would be quite impossible to get together a Committee of that House adequate—he would not say in point of knowledge—but so far as time, opportunity, and power of combined labour were concerned, to collect completely and carefully the whole facts of the case. That minute and careful investigation of the facts was the first thing which the House ought to have before it. On former occasions, when matters of this sort had been inquired into, it had been found most convenient to do it through the medium of a Commission. The Act under which the Exchequer now existed was founded on the recommendations of a Commission, and the same considerations of practical convenience which led the Government of that day to adopt that mode of inquiry ought to induce the present Government to pursue a similar course now. The House, he considered, was greatly indebted to the right hon. Baronet for the pains he had taken to bring this matter clearly and completely before them, and, while thoroughly agreeing with the substance of the right hon. Baronet's Motion, he would venture to suggest that the preferable course would be to follow former precedents, and to agree to an humble Address to Her Majesty, praying her to appoint a Commission to investigate the subject. He thought the appointment of a Commission was in itself a preliminary proceeding, and that the power ought to remain in that House to review the labours of the Commission. The function of the Commission should rather be to make a scrutiny into facts than to guide the House by its opinions. There might be matters on which it would be right for the Commission to express an opinion, but with respect to the facts as to the receipt and issue of public money, which partook of a political as well a constitutional character, they should be jealous of receiving any strong expression of opinion from the Commission. He thought that the words in which an Address to the Crown should be framed would require more careful examination than the terms of a Motion merely for the appointment of a Committee, and, having made that suggestion, he would leave the House to deal with it as it thought fit.

The CHANCELLOR of the EXCHEQUER said, he should regret if, by not acceding at once to the proposal of his right hon. Friend (Sir F. Baring), he should be the means of causing a debate on so dry a subject as the audit of the public accounts, but he thought it due to the House and to the department he had the honour to represent that no impression should go forth to the public that there was some irregularity in the present state of keeping the public accounts, or something at the present time peculiarly demanding investigation, which inference might be drawn if he gave an assent without any explanation to the proposition of his right hon. Friend. His right hon. Friend stated, that two years ago he proposed the issue of a Commission, the object of which was identical with that of the Committee now proposed. Therefore, on his right hon. Friend's own statement of the case, his Motion was not founded on anything he had recently observed, for the state of things two years ago formed as valid a ground for an inquiry as the state of things at present. However, his right hon. Friend advocated his proposal by adverting to certain effects which he thought had recently arisen. Now, if his right hon. Friend meant merely to affirm that the system of the receipt, issue, and audit of public moneys in the Exchequer was short of perfection, and that it admitted of further improvements beyond the state in which law and practice now placed it, he was quite prepared to accede to such a proposition. He was quite aware that a great deal might be done for its further amelioration, but if his right hon. Friend meant to say that there was anything at the present moment which rendered it peculiarly incumbent on the House to institute an inquiry by a Select Committee, he must, though with great deference, differ from his right hon. Friend, whom he would shortly follow through a few of his statements. In the first place, his right hon. Friend called attention to the redemption of the Duke of Grafton's pension. Now, it was not his intention at the present time to enter into the question of the policy of that measure; but, treating it as a question of accounts, he maintained that the course taken was unimpeachable, and, if precedents were referred to, it would be found that the same course had been taken on previous occasions. It would be found that on previous occasions, when pensions charged on the gross revenue were redeemed, no Vote of the House was taken, but the money was intercepted, before it went to the Exchequer. The proceeding was not then considered to exceed the powers of the Treasury, and consequently the course pursued in the present instance was fully supported by precedent; and, indeed, went beyond it to this extent—that, whereas formerly the attention of the House was not specifically called to the transaction in the annual balance-sheet, on the present occasion the operation was, as a matter of account, fully explained there, and a statement of it also appeared in the annual finance accounts. He therefore contended that the conduct pursued in respect to that redemption was wholly unimpeachable, and nothing he had heard to-night formed any valid complaint against the adopted mode of proceeding. His right hon. Friend next adverted to the question of repayments, stating that there was great difficulty in knowing what were and what were not repayments, and that, when he was in office as First Lord of the Admiralty, he never could obtain from the Audit Department an account of what constituted a repayment. Therefore, according to that statement, there was nothing new in the complaint now made by his right hon. Friend. His right hon. Friend then adverted to the consequences arising from the consolidation of the different paymasters, and said that when there was a separation of paymasters there was also a separation of the funds voted by Parliament, which was not the case at present. That, again, was nothing new, for the alteration dated many years back, and no new system had been introduced since the present year, or since the recent war. Even before the consolidation of the paymasters, he apprehended that during a war it was necessarily the case that payments should be made into one Commissariat chest on a foreign station, and as it was impossible to know beforehand what officer would need to draw on it there was a necessity to keep the chest full, and to give authority to the officers on the spot to draw. The House had heard much complaint of late of a servile adherence to routine, but what would have been said if, with a full Commissariat chest at Constantinople during the late war, there had been difficulties in drawing on it, either for purposes connected with the Navy, or any other department of the military service, arising from rules laid down by the Treasury at home? If the Government had laid down any such strict rules to be observed during war, which was necessarily a time of unforeseen expenditure, and had strictly adhered to them, they would most justly have deserved the reprehension and censure of that House. Those were the three points to which his right hon. Friend had drawn the particular attention of the House, and he had also quoted a semi-official letter of Mr. Romilly, to the effect that the present system of audit was not an independent check on the expenditure of the public money. Now what Mr. Romilly, as Chairman of the Audit Board, adverted to, existed when his right hon. Friend was in office—namely, that of having the Army and Navy Votes audited and closed at the end of the year, while the Civil Service Votes were allowed to run on from year to year. Such, he believed, would probably be found, after examination, to be the most convenient course. For example, supposing a sum of money, £5,000, were voted to construct a new harbour, and the whole of that sum was not expended in one year, the expenditure on account of that Vote was allowed to go on in the succeeding year, but the whole of the expenditure was ultimately audited, and those who had the management of the harbour would have to account for every pound of public money issued to them. His right hon. Friend had complained of the irregularity of transferring certain clerks from the Audit Office to the War Department, but he had omitted to mention the important fact that the transfer was the inevitable consequence of the transfer of the Commissariat business from the Treasury to the War Department. His right hon. Friend said that that transfer was accomplished without the sanction of Parliament; but the fact was that no measure more entirely obtained the approbation of that House than the consolidation of the War Department. The audit of the Commissariat accounts was transferred from the Audit Office and placed under the War Department itself, which, through its clerks, exercised an investigation in all the war accounts. If his right hon. Friend (Sir F. Baring) had read the papers with care, he would see that they contained a complete justification of the Government. There was no doubt of the power of the Crown to transfer the business of one department to another. The change in the audit of the accounts of the Commissariat was necessarily involved in the consolidation of the War Department, which had been fully known to that House, and had received its entire approbation. With regard to the Motion before the House, he was not aware of any special reasons at the present time for such an inquiry. The auditing of the accounts of the war would necessarily fully occupy for some time the present force engaged in the Audit Office. The auditing of the public accounts was, he believed, never in a more satisfactory state. The public accounts, too, were never in so advanced a state of audit as at present. There was no ground whatever for supposing that our system of public audit was anything but perfectly efficient and accurate. But if the House thought it desirable at that period of the Session, without any specific grounds being shown, and with the Audit Office engaged in auditing the accounts of the war, to appoint a Select Committee composed of Members capable of dealing with those intricate investigations, he had no objection, provided it was distinctly understood that it was the general wish of the House to have a Committee. But if the House desired to improve the system, to investigate its principles, to make a searching inquiry into the "receipt and issue," and, he would add, "the account" and audit of the public moneys—and here he would stop, for his right hon. Friend had too much limited his inquiry, which ought to embrace the whole circle of the public offices —if, he repeated, it was the wish of the House to have an efficient investigation into this extensive, difficult, and abstruse subject, then he agreed with his right hon. Friend (Mr. Gladstone) that it would be much more efficiently conducted by a small Commission of persons having special knowledge, who could go into details and make a general Report, which the House could peruse, and which it might then refer, if it chose, to a Select Committee with more satisfactory results than if a Committee entered now upon so large and extensive an inquiry.

Mr. BOWYER said, he did not rise to prolong the discussion; but, having been the humble individual who originally brought this important subject before the House, he trusted to be permitted to say a few words. If he wanted proof that such an inquiry ought not to be neglected by the Government, he should find it in a letter printed in a recent Return from a public officer of great experience, in which he found it stated that the problem of checking the large administrative departments was still to be solved. The recent transfer of clerks to the War Department was another proof that the inquiry ought to be entered into. That transfer was partly justified by a letter from Mr. Romilly, dated Sept. 8, 1855, upon grounds that confirmed the opinion of the right hon. Gentleman (Sir F. Baring) that the question ought to be investigated. Mr. Romilly said that the accounts of the Secretary for War could best be examined by officers of his own, because the War Office could best judge whether its own rules had been duly followed, and that that was the reason why the audit of the accounts of the War Department should lie with that department. But was not that a reason why the Treasury should audit the whole of the public accounts of the country? The system of auditing the Admiralty accounts introduced by the right hon. Baronet the Member for Carlisle (Sir James Graham) was found exceedingly convenient for certain purposes; but that system ought not to remain without investigation, because it consisted in the accounts being audited by the Admiralty, and at the Admiralty, the clerks of the Audit Office standing by and following the operation. Now, he asserted that such a system was contrary to sound principle, because the efficiency of an audit consisted in its being entirely separate from the department the accounts of which it audited, just as there ought to be no contact between the Judge and the persons whose cases he decided. He could not, however, agree with the right hon. Gentleman (Sir F. Baring) with regard to the issue of public money. A Committee was appointed during Mr. Pitt's Administration, and it appeared from their Report that separate sums were issued to the Navy, the Army, and the Ordnance, which departments had separate treasuries and separate balances. The result was, that when the Commissioners examined into the subject, they found that five persons had filled the office of Treasurer of the Navy, all of whom held balances in their hands which had never been accounted for. The modern system, that of having one balance applicable to all the services, was a great improvement; but still a further inquiry was necessary, and therefore he should support the Motion of the right hon. Member for Portsmouth, concurring, however, in the suggestion of the right hon. Member for the University of Oxford (Mr. Gladstone) that a Government Commission would be more able to elicit the facts than a Committee of that House.

Mr. W. WILLIAMS said, that the audit system of the country was so deficient that it could not be called an audit at all. He would instance the expenditure of the harbours, which ought to be checked year by year, and which were not audited at the Audit Office. It was a very easy thing to get a Commission to inquire, and make such a Report as they might think convenient, but it was absurd to say that the House could not itself inquire into the matter. He hoped the right hon. Gentleman would persist in his Committee.

Mr. ELLICE said, that having been one of the Commissioners who examined into the audit of public accounts, and having himself drawn the Report upon which the Bill of the right hon. Member for Carlisle (Sir J. Graham) was founded, he wished to say a few words in support of the Motion before the House. He thought that an inquiry should be instituted into the existing system of audit, because a long time had now elapsed since the plan introduced by the right hon. Member for Portsmouth (Sir F. Baring) had been observed in the audit of accounts, because great changes had taken place in the various departments connected with the expenditure of public money, and because grave doubts had existed for several years past as to the efficiency of the present system. Having also some acquaintance with the accounts in the War Office, he believed that the transfer lately made of those accounts from the Audit Office to the War Department had been a very expedient measure, inasmuch as they could not fail to be much better audited in the War Department now that the Commissariat had been associated with that department, than they could be in the office in which they used to be audited. He therefore did not complain of that transfer; but it appeared to him very desirable that the whole system of audit should be reviewed, that some inquiry should be made into the system pursued in other countries, especially into the working of the *Cours des Comptes* in France, where he believed that the most perfect system of audit had been established, and that steps should be taken to satisfy the public that the accounts were audited in the satisfactory manner described by the Chancellor of the Exchequer. He agreed also with the right hon. Gentleman the Member for the University of Oxford that the whole subject should be embraced in any inquiry that might be instituted. Whether that would best be done by a Commission or a Committee might be a matter of doubt, but his own opinion was, that they should begin with a Committee—that they should, in the first instance, inquire generally into the subject, and that then the details should be examined and reported upon by a Commission. If he remembered rightly, the last Commission arose from the recommendation of a Committee of that House, and he saw no reason why the same course should not be adopted upon the present occasion.

Sir HENRY WILLOUGHBY said, that all seemed to agree as to the necessity of an inquiry into this important subject, and the only question was, whether it should be done by a Committee or a Commission. Now, he thought the country was overrun with too many Commissions already, whose Blue-books were seldom read, and served only for waste paper. A Committee of the House of Commons was, in his opinion, the proper tribunal to examine anything which concerned the expenditure of the public money. A question had lately arisen, whether it was not under the present system possible that money voted on one Estimate might be transferred to another; and the hon. Secretary to the Treasury, a few nights ago, denied the possibility of such a thing; but the very subject which the House was then discussing instanced three cases of that kind, which had not yet been explained. Such cases should be prevented by an efficient audit.

Mr. HENLEY said, he was convinced that the preferable mode would be to adhere, in the first instance, to the line struck out by the right hon. Member for Portsmouth (Sir F. Baring). It would be quite time enough to inquire whether a new principle of audit should be adopted when some examination had taken place as to what extent, if any, the existing system had been departed from. For that preliminary investigation a Parliamentary Committee was the best tribunal that could be appointed. If they were to appoint a Commission, and if that Commission were to examine the audits of other countries, the result would be, that no conclusion would be arrived at until some three or four years hence, when we might perchance be entering upon another war.

Viscount PALMERSTON: No doubt, Sir, the subject is one of very considerable importance, and one which excites a great deal of interest in the country; because, if it were supposed that very large sums which are voted for the public service—more especially in time of war—were not properly audited as regarded their application to the public service, in conformity with the Votes of Parliament, an impression of a very undesirable nature might be left upon the public mind. My impression is, though the present system of audit may be susceptible of improvement, and though the changes which have been made in the organisation of the Government have rendered alterations in some respects desirable, yet it is my belief that the proposed inquiry, when concluded, will show that practically the public expenditure is and has been satisfactorily accounted for. I am quite ready, however, to admit that, under all the circumstances stated, it is desirable that an inquiry should take place. With regard to the form of inquiry, no doubt there is much to be said in favour of a Commission, and probably that would be the best means of carrying out the inquiry. My right hon. Friend the Member for the University of Oxford (Mr. Gladstone) has shown, for instance, that a Commission, having a greater command of time and better means of obtaining information, would be able to go more thoroughly to the root of the matter, and would be enabled to collect evidence on a wider range than a Committee of this House could do. At the same time, we must in a matter of this sort a little regard public impressions; and, although a Committee of this House may not, perhaps, be so powerful an instrument as a Commission, better armed, would be, yet I am quite ready to assent to the Motion of my right hon. Friend, and if the Committee should find that it has not adequate means for pursuing its inquiries to the full extent, it will be for that Committee to suggest any other instrument which, in its opinion, might be better suited to the purpose.

Sir FRANCIS BARING said, he would admit that a Commission would certainly go more into details, but, under all circumstances, he thought that a Committee was the best initiative course. He hoped the House would not swamp him by having too wide an inquiry, for if that were agreed to, he was satisfied it would come to be a mere affair of Blue-books, and no practical good would be the result. He wished to disclaim any intention of making a charge, that any portion of the public money had been improperly disposed of. He only wished to convey his impression, that, owing to recent changes, there might be a better audit of the expenditure of public money.

Motion *agreed to.*

Select Committee *appointed*—

"to inquire into the Receipt, Issue, and Audit of Public Monies in the Exchequer, the Pay Office, and the Audit Department."

RATING OF MINES BILL.

MR. KENDALL said, he would beg to move for leave to bring in a Bill to amend the law of England and Wales with reference to the assessment of mines (other than coal mines) to the relief of the poor.

MR. HADFIELD said, if the Bill were passed, the mining system of Derbyshire would be put an end to. Unless Derbyshire lead mines were exempted from the Bill, he was afraid he must oppose the further progress of the measure, to which he was otherwise not unfriendly.

MR. COLVILE said, he must offer his opposition to the Bill in every possible way. Why were some mines to be rated, and other descriptions of property to remain unrated? He thought, however, that it would be more courteous to allow the hon. Member to bring in his Bill, in order that it might be seen what he proposed, and if it was found as objectionable as anticipated, then opposition could be offered.

MR. KENDALL said, that he would endeavour to frame a clause which would meet the objections which he understood were entertained by the miners of Derbyshire.

Leave *given.*

Bill *ordered* to be brought in by Mr. KENDALL, Sir CHARLES LEMON, and Mr. MICHAEL WILLIAMS.

Bill read 1°.

STATUTE LAW CONSOLIDATION.

MR. HADFIELD said, in the absence of his hon. Friend (Mr. Kershaw), he would beg to move an Address to Her Majesty for copies of recent correspondence relative to the consolidation of the law.

MR. THORNELY seconded the Motion.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of recent Correspondence between the Lord Chancellor and the Statute Law Commissioners, and Arthur Symonds, esquire, late Registrar of Metropolitan Buildings, tendering his services in consolidating the Law, and containing proposals for propounding, in detail, arrangements requisite for consolidating the Law in an uniform and effective manner; together with a 'Memorandum relative to the preparation and revision of Legislative Measures, especially with reference to the means of obviating or mitigating the failures to which at present they are subject,' and any other papers forming part of or referred to in the said Correspondence."

MR. WILSON said, that though the gentleman in question had tendered his services gratuitously, he believed he expected to receive a large remuneration; and he thought that this Return, however gratifying to the gentleman's private feelings, was a matter on which the public ought not to be put to any expense.

SIR JOHN SHELLEY said, that there was one point on which he wished to correct the Hon. Under Secretary for the Treasury, and that was as to this gentleman having offered his services gratuitously. He believed he had offered them gratuitously, but being in the receipt of a pension, he was anxious to do something for that pension. He thought the Government ought to publish the correspondence.

MR. BOWYER said, he had seen in print a copy of the correspondence. He took it for granted that it had been published by Mr. Symonds himself; and that gentleman could not at present expect that the Government would print it for him.

MR. MALINS said that the correspondence had been published, and that he had read it himself, and should decidedly oppose the Motion.

Motion, by leave, *withdrawn.*

FIREWORKS (DUBLIN AND EDINBURGH).

MR. GROGAN moved—

> "That an humble Address be presented to Her Majesty, praying that, as an Exhibition of Fireworks has been ordered for the amusement and gratification of the inhabitants of this Metropolis, She will be graciously pleased to direct that similar Exhibitions of Fireworks be made for the amusement and gratification of the inhabitants of Dublin and Edinburgh."

MR. BLACK seconded the Motion.

MR. HORSMAN said, he had been in communication with the Lord Lieutenant of Ireland on the subject, and his Excellency had signified his intention to direct arrangements to be made for the recreation of the people of Dublin simultaneously with the rejoicings of the inhabitants of the English metropolis.

VISCOUNT PALMERSTON said, the Government would not oppose the Motion, thinking it quite right that the three capitals of the United Kingdom should partake in the feelings of rejoicing which the whole country would evince at the conclusion of peace.

COLONEL DUNNE said, he would prefer that the money proposed to be spent in these childish exhibitions should be bestowed upon hospitals and other useful institutions.

Motion *agreed to.*

JURIES (IRELAND) BILL.

Order for Second Reading read.

Mr. J. D. FITZGERALD, in moving the second reading of this Bill, stated that he proposed subsequently to refer it to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. M'MAHON said, he should move that the Bill be read a second time that day six months. He thought the Bill was better rejected than referred to a Select Committee, as that would enable the Attorney General for Ireland to bring in a measure to equalise the jury laws of England and Ireland.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Colonel DUNNE said, he must protest against Irish Bills being brought forward at that hour of the night. There were a great many serious objections to the measure, which was generally reprehended in Ireland. He should move, therefore, that the debate be adjourned.

Lord NAAS said, he hoped the Government would agree to the adjournment of the debate, in order to give the right hon. and learned Member for the University of Dublin (Mr. Napier) an opportunity of expressing his views on the subject.

Mr. HORSMAN said, there was not one of the Irish Bills which had not been postponed from the beginning of the Session. He would not, however, press on the Bill under the circumstances.

Mr. SEYMOUR FITZGERALD said, at such an hour of the night, it was impossible to do justice to the Bill, and he agreed with his hon. and gallant Friend (Colonel Dunne) that the way in which Irish business was treated night after night was most unsatisfactory.

Mr. GEORGE said, if the measure had been persevered in, he should have objected to its going into Committee without a full statement of its principle by the Attorney General for Ireland, as there were many most objectionable features in it.

Debate *adjourned* till *Thursday* next.

JOINT STOCK BANKS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

The CHANCELLOR of the EXCHEQUER said, the object of the Bill was to repeal a clause of the Joint Stock Bank Act, by which a certain number of directors went out by rotation. He had reason to believe that that clause had been carefully considered at the time it was passed. It had been found by experience that concert took place between bodies of directors, and that mismanagement had taken place in consequence of the absence of new persons. There was nothing very abstruse in the conduct of a bank, and honesty and discretion were more required than knowledge. He therefore asked the House, on a matter of this importance, involving the interest of shareholders of various companies, who advanced large sums of money, that some protection should be given to their interests. If the House should pass the Bill, and any evil consequences arose, they could not say that they had acted without knowledge in the matter.

Mr. HENLEY said, he should move the adjournment of the debate, on the ground that at that advanced hour (past one o'clock in the morning) the House could not properly deliberate upon a measure of such importance.

Sir JOHN SHELLEY said, he must defend the principle of the Bill, considering that the measure was a very simple one, making directors eligible for re-election then and there. He entirely disagreed with his right hon. Friend the Chancellor of the Exchequer that the shareholders did not look after their business in joint stock banks. It did seem hard on the shareholders that they should be prevented for a whole twelvemonth from re-electing a retiring director who had done his duty well; that was the only principle of the Bill.

Debate *adjourned* till *Monday* next.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, April 25, 1856.

Minutes.] *Took the Oaths.*—The Lord Archbishop of Armagh.

Public Bill.—1ª Drafts on Bankers.

TICKETS OF LEAVE — SECONDARY PUNISHMENTS.

Earl STANHOPE said, he would remind the House of the discussion which lately took place, and of the Motion of which he had given notice for the appointment of a Committee on the subject of

Secondary Punishments. Since then, he had received a communication from Her Majesty's Government, informing him that it was thought, upon consultation, very desirable that the appointment of a Committee of the House of Lords should be postponed, since the Committee of the House of Commons on a similar subject would not wait for the completion of the evidence, but in a short time would present the evidence already taken by them; and Her Majesty's Government then proposed that it should be laid at once before their Lordships' House. Under these circumstances, he should not move for a Committee, but he did not mean to lose sight of the subject.

THE MARQUESS OF LANSDOWNE said, that the Government had every desire to promote the object the noble Earl had in view—that the proposed inquiry should be as effectual as possible; but they felt, on communication with the Members of the Government in the other House, and particularly with those who had taken charge of the inquiry there, that it would be better to postpone it for the present, since it would be attended with some inconvenience that Committees of each House would not have commenced and concluded their inquiries at the same time. There was, however, no subject, the inquiry into which it was more incumbent on the House and the Government and his noble Friend to pursue with diligence and zeal, than one which had in view the provision of an effectual system of secondary punishments. Having taken no part in the previous discussion, he was anxious to state that he was not of opinion that the system now pursued of granting tickets of leave had been so long tried as to lead to anything like a convincing conclusion. Nevertheless, without anticipating the result of impending inquiries, he could not but state his own impression that it was not possible that any system of secondary punishments would work well without the auxiliary of transportation. He did not, indeed, think that any one system of secondary punishment could be successfully resorted to, in exclusion of all others; but he thought that the great difficulty which existed as to the means to be taken to restore to society persons who might, if reformed, be valuable to it, would be best met by a system of imprisonment as a punishment immediately following the sentence, and by transportation as a means of restoring to the criminal the means of earning an honest livelihood in a distant land. To both the systems—of imprisonment for a term of years in this country, and of transportation for a term of years in the colonies—the difficulty applied equally of providing for the transition state before the criminal could enter into society at large. He hoped both that and the other House of Parliament would keep this great and inherent difficulty in view, and that means would be devised to watch over the condition, state, and prospects of the criminal, and the end of his sentence. He could not resist the temptation of saying, without asking the House to draw any conclusion from the statement, that in one part of the United Kingdom a most important and, he hoped, successful experiment was now being tried in Ireland, both in the city of Dublin and in the city of Cork, where criminals discharged from prison were subjected to individual supervision, which, up to the present time, though the experiment had not lasted long enough to afford confirmed experience on the subject, had proved eminently successful. He must say, in conclusion, that the working of the ticket-of-leave system was one of those experiments which it was the duty of the Legislature and the Government to watch most carefully, for the purpose of providing for the return of these persons to society.

EARL GREY expressed his regret that if there was to be a Committee at all, there should be any delay in its appointment. There were three or four points in which legislation was urgently required, involving obvious improvements in the Act of 1853, and which, if recommended by a Committee, might be carried during the present Session; and since inquiry must precede legislation, a few days' delay might be fatal to the hope of doing anything this year. But, looking to the fact that we were now approaching Whitsuntide, he thought it was clear that if a delay of even a short time took place, legislation would be postponed for the present Session—a result which he much regretted, as every session and assizes was of course increasing the number of persons to be provided for.

VISCOUNT DUNCANNON regretted that the Government had not taken the matter into their own hands and legislated upon it at once, because he believed that the evil results of the ticket-of-leave system were great and were constantly increasing. He hoped, therefore, that the Session would not be allowed to pass without some decisive course being taken.

THE NAVAL REVIEW.

Earl GRANVILLE said, that he ought not, he thought, to allow a department of the Government to rest one moment longer than necessary under the blame of having failed to make proper arrangements for their Lordships on Wednesday last. Since yesterday, he had made inquiries into the causes of the mistakes of that day, and he had now to state to their Lordships what were the instructions given by the Admiralty for the safe conveyance of the two Houses of Parliament to and from the naval review. Some time ago, arrangements were made with the South-Western Railway to carry their Lordships and the other House of Parliament down to Southampton, and at the beginning of this week Captain Milne had an interview with the traffic manager, to ascertain from him whether it was perfectly certain that the company could undertake, under the pressure to which it was likely they would be subjected, to convey so large a number without any chance of a failure. The answer he received was, that the company had made such arrangements that it was absolutely certain that both the Peers and the Members of the other House would arrive at Southampton at a quarter past nine o'clock. The Admiralty sent a communication to the municipal authorities of Southampton, requesting them to take every precaution to keep a clear passage from the railway station to the place of embarkation, and they also wrote to the packet agent—a person of great experience—desiring him to do everything in his power to facilitate the embarkation of the two Houses. Orders were also given to appropriate the *Harbinger* and the Pasha of Egypt's yacht as tenders to convey the two Houses on board their respective vessels, and the packet agent was directed to hire two additional tenders. He wrote back to say that it was perfectly impossible for him to hire any vessels, and two other steamers were then sent round for the service. With regard to the selection of the *Transit*, she was thought—and indeed every one could see she was—a very fine vessel, and, having a large maindeck, she afforded accommodation for a large number of persons to breakfast together, with the additional advantage of being under cover in case of rough weather coming on. Inquiries had been made beforehand as to the state of her engines, and the answer was that they were in good order, with the exception of a slight defect in the air-pumps, the only defect of which would be to reduce her speed from eleven to ten knots an hour. The officer selected to command was a gentleman of considerable experience, and their Lordships had all been witnesses of his great courtesy. His instructions were to be ready to receive the company at nine o'clock, and having taken them on board he was to steam down the two lines, to wait for Her Majesty, and on her arrival to take up his station as near the royal yacht as possible. In case of any unforeseen delay he was to keep outside the line, for fear of coming into collision with any of the gunboats. What better instructions, even judging after the event, could have been given them there, he could not see. The Admiralty had since made inquiries as to the state of the *Transit's* engines, and it was found that the only cause of their failure was that the steam had got low in consequence of the fires having been let down. They had ordered a strict and searching inquiry to be made as to who was to blame for this omission, and whoever he was he would be punished. This was the information he had received from the Admiralty, and he did not see how greater care could have been taken by that department. The whole thing arose from the unfortunate breakdown on the South-Western Railway—an event not so very extraordinary after all, considering that the company had undertaken to carry so large a number of persons beyond their usual traffic. The accumulation of trains on the line was so great, that between 700 and 800 persons arrived at the point of embarkation at Southampton at the very moment when the two Houses were expected. At first the packet agent declined to ship them, because he wished to keep the tenders for the use of the Houses, but he was perfectly unable to resist the entreaties and remonstrances of 700 to 800 gentlemen and ladies, all crowding and squeezing together in the dust and heat. He thought it better to use the tenders to get them out of the way, and that was the reason why they were not forthcoming when their Lordships arrived. He thought this was a satisfactory explanation so far as regarded his right hon. Friend (Sir Charles Wood), who had been most anxious to accommodate everybody—too much, some thought—because they might have done better if so much care had not been taken of them, and they had been allowed to manage for themselves. With regard to the personal charge made against him, he was afraid he should not be able to make so satisfactory an answer. He had reflected deeply on the subject since, and he could not think of any excuse for the pusillanimity which he had displayed. He could not accept the compliment which the noble Earl opposite had paid him for acuteness and sagacity, for he had so completely lost his presence of mind that while he saved only one Liberal Peer he carried off with him no less than four of Her Majesty's Opposition.

The Marquess of CLANRICARDE said that the explanation of his noble Friend was satisfactory, in so far as it showed that all the blame rested with the railway company; and what he wanted to know was, who was to answer for what had been done and left undone by the railway company. Had Parliament the power to punish such a delinquent? He believed they had not; and he wanted to know what steps the Government proposed to take this Session to give Parliament power over these railway companies. The question of some power being established over these railway companies ought not to be left long unsettled, for nothing could be more unsatisfactory than the position in which the matter was at present.

Lord RAVENSWORTH said, after the explanation of the noble Earl, he was willing to accept the apology, as far as it went, for the bad arrangements which had been made. But the noble Earl had offered no apology which accounted for the main grievance, namely, the fact of their Lordships being seven hours coming from the pivot ship to Southampton; he had given no excuse for that, except that the fire went out.

Earl GRANVILLE said, he did not offer an apology on that point, because, though he was not a scientific person, he thought that the fact of the fires going out was sufficient to account for the ship not getting on.

The Earl of GALLOWAY complained of the utter want of arrangement by the railway company, after their Lordships had been promised every accommodation.

The subject then dropped.

MARRIAGE LAW AMENDMENT BILL.

Order of the Day for the second reading read.

The Earl of ST. GERMANS: My Lords, I rise to move that the Bill, which I have laid on the table for the amendment of the marriage law of this country, be read a second time. In 1851 this House refused to affirm the principles of a Bill similar to, though not the same, as this; but five years have since elapsed, and I may now fairly ask your Lordships to reconsider this question. In 1842 the other House of Parliament would not allow a noble Friend of mine (then Lord Francis Egerton) to bring in a Bill to legalise marriage with a deceased wife's sister. In 1849 it sent that Bill up to this House, and had since repeatedly affirmed the principle of the measure. This House is, I know, more averse than the House of Commons to anything which wears the semblance of innovation, but it is not immovable. It is open to conviction, and, when convinced, is not afraid to act on its conviction, even when that conviction is at variance with a former decision. I venture, then, to ask your Lordships to reconsider this question. I need not ask you to listen patiently to one who believes that, in urging you to sanction the measure which he proposes, he has truth and justice on his side, and who knows that he is pleading the cause of a large number of his fellow-countrymen. It has been said, and said truly, by the Archbishop of Dublin, that every restriction is in itself an evil, and that the burthen of proving that a particular restriction is just or necessary lies on those who seek to impose or to continue it. Subscribing as I do to that doctrine, I think that I should be justified in calling on the opponents of this Bill to show that the Legislature has a moral right to prohibit marriage with the sister of a deceased wife, or that the legalisation of that marriage would be inconsistent with the well-being of the country. But, my Lords, this question has been so fully discussed by the most learned jurists and divines, that I am persuaded that nothing new can be said on the subject, and that, by repeating some of the arguments with which their writings have furnished me, I shall answer, as it were, by anticipation, the objections of the opponents of this measure. Many learned and pious men hold that the Mosaic law of marriage is not binding on Christians. Bishop Taylor has recorded his opinion on this point in these words—

> "For though Christendom was then—at the time of the divorce of Queen Catherine by Henry VIII.—much divided, yet before there was almost a general consent upon this proposition

that the Levitical degrees do not, by any law of God, bind Christians to their observation. I know of but one schoolman (Paludanus) who dissents.

"By all which it appears what was the state of these marriages under the law of Moses; and yet all the scruple at which weak persons start or stumble, is derived from that sanction in Leviticus, which, in despite of all reason, and all precedents, and all observations whatsoever, they will needs suppose to be a natural and moral law, so making eleven Commandments, for certain it is that the Ten Commandments were to the Jews the sum of their moral law, in which, since some things that were ceremonial were inserted, it is not likely that anything that was moral should be omitted. In the ten words of Moses there was nothing less than their whole moral law, though something more there was."

Chief Justice Vaughan concurs in this opinion. He says, in giving judgment in the case of *Harrison* v. *Burwell*—

"The Levitical prohibitions are no general law, but particular to the Israelites. As they were delivered to the Jews only by Moses, they bind other nations no more than other laws of the Jews do, as the laws of succession, and inheriting land or goods. They then must be made obligative, if at all, to the generality of Christians, by the New Testament; but by what medium can that be proved? Were it not for the statutes it would be hard to make out by persons of what learning soever that we are obliged by the Levitical degrees, for we are not bound by the Judaical law, and how comes this part to be distinguished from the rest? I mean those of the Levitical degrees which are of the Judaical positive law only."

The most rev. Prelate to whom I have before referred (the Archbishop of Dublin), in his *Remains of Bishop Copleston*, says—

"I am certain that he (Bishop Copleston), in common with the very persons who have appealed to what they call 'the divine law' in this matter, never considered the ceremonial or the civil regulations of the Levitical code as binding on us. No one considers himself bound by that to abstain from the forbidden meats, or from selling land in perpetuity, or to require any one to marry his brother's widow. Nay, even what are called moral duties, no Christian Legislature has felt bound, in all cases, to enforce by its own laws. Disobedience to parents, for instance, and gluttony, and drunkenness, no one would deny to be moral offences, and yet no Legislature denounces against them the penalty of death. The whole, therefore, of the appeal to the Mosaic law is manifestly irrelevant, even on the showing of the very persons who have got up this topic of declamation for the purpose, apparently, of diverting attention from the real points at issue. The civil and the ceremonial ordinances of that law can thus far, and only thus far, be taken as a guide — namely, that any thing which is not merely permitted, but distinctly enjoined in the law, cannot be at variance with the immutable principles of morality. If, for instance, the marriage of a brother and sister in law had been in itself an incestuous union, it would never have been, as it is, enjoined in a certain case by the inspired lawgiver."

I shall not quote, as I might, passages from the writings of other eminent men who take the same view of this question. Sir William Jones, Mr. Fry, and other Hebrew scholars, have maintained that the chapter in Leviticus, which is usually looked on as relating to marriage, did, in fact, relate only to criminal intercourse. They affirm that the expression "uncovering the nakedness," is applied, in Scripture, solely to fornication or adultery, and not to lawful intercourse. But, my Lords, I shall not seek to maintain either of those positions. The Legislature of this country has forbidden marriage with a deceased wife's sister, on the assumption that it is within the Levitical prohibitions. I will, therefore, content myself with showing, or, at least, endeavouring to show, that marriage with the sister of a deceased wife is not within the Levitical prohibitions. Let any unprejudiced man, who had never heard of the controversy on this subject, refer to his Bible and say what he finds there on this subject. Will he not tell you that the only passage bearing directly on it, is that which forbids a man to take a wife to her sister to vex her in her lifetime? And, is it not upon the fidelity of this authorised translation that the faith and hope of millions rest? But the most rev. Prelate who led the opposition to the Bill of 1851—a Prelate for whom I entertain great respect, as well on account of his character as of his high position—told us that this passage was of disputed and uncertain signification, and that the words "a wife to her sister" might be rendered "one wife to another," according to the marginal annotation. My Lords, the meaning of other passages has been disputed — passages of vital importance —those on which rest the foundations of our faith—those in which the divinity of our Lord is declared; but we do not say of them that they are passages of disputed and uncertain signification. We believe that the translation of them in our authorised version is correct, and that we are, therefore, bound to hold the doctrine that those passages, so translated, inculcate. But, my Lords, I assert, on the authority of the most learned biblical scholars, that the 18th verse of the 18th chapter of Leviticus is correctly translated in the authorised version, and that the Vulgate, the Septuagint, the Syriac, the Chaldee, the Samaritan—in a word all the most ancient and approved versions—give the same interpretation of it. Moreover, the passage, if altered by the substitution of the words in the margin, would amount to a prohibition of polygamy, which was practised by the most favoured servants of God under the Old Testament dispensation. In what difficulties, then, would this alteration involve us!

Assuming, therefore, as I have a right to do, that the passage in question prohibits marriage with the wife's sister only during the lifetime of the wife, I affirm that it was permitted after her death. In negative precepts that which is not forbidden is permitted. Here there is more than the absence of prohibition. Does any man think that because he is directed by a law, be it human or be it divine, to abstain from doing a certain act at a particular time or in a particular place, he is therefore bound to abstain from doing it at all times and in all places? Surely not. There is a particular restriction. The necessary inference is, that it is not general. But we are told that in the 16th verse of the same chapter a man is forbidden to marry his brother's widow, and that by analogy and parity of reasoning a man is forbidden in it to marry the sister of his deceased wife. It would not, I think, be allowable to reason thus even if marriage with a deceased wife's sister were permitted less distinctly than it is by the 18th verse. Many of the ordinances of the Jewish law apply to men and not to women. For instance, men were allowed to divorce their wives, women were not allowed to divorce their husbands; men were allowed to have more than one wife, women were not allowed to have more than one husband. A man who committed adultery with another man's wife was punished with death. A woman who committed adultery with another woman's husband was not so punished. It is, therefore, impossible to argue that marriage with a deceased wife's sister was unlawful merely because marriage with a brother's widow was prohibited. Again, marriage with a brother's widow, when he died without issue, was not only not prohibited, but was actually enjoined. Now, it is easy to conceive that a particular marriage may have been, under some circumstances, inexpedient, and therefore forbidden; and under other circumstances, expedient, and therefore enjoined; but it is not possible to conceive that God commanded that to be done under any circumstances which was in itself criminal or immoral. We therefore conclude that marriage with a brother's widow cannot be criminal or immoral, and, consequently, cannot form the basis of an argument from analogy against the lawfulness of marriage with a deceased wife's sister. But, as I have said, the meaning of the 18th verse is clear and distinct, so that we need not look elsewhere for an elucidation of it. And it is to be remarked that the implied permission of marriage with a deceased wife's sister which it contains, receives a strong confirmation from the command to marry a brother's widow, in Deuteronomy xxv. There is, I know, some irregularity in adverting to a speech made in this House in a former debate; but when that speech is published in the form of a pamphlet, it may, I think, be referred to without any irregularity. In adverting then to the argument which I am about to notice, I will refer to a pamphlet which bears the name of Henry Lord Bishop of Exeter. But before I proceed to examine this argument, let me observe that the right rev. Prelate has—I am sure unintentionally—interpolated words in a quotation from Bishop Taylor which alters that author's meaning. The passage quoted by the right rev. Prelate is this—"What better determination can we have of those indefinite words, 'near of kin' or 'the nearness of my flesh,' than the express particulars made by God himself in that very place (Lev. xviii.)?" "These, my Lords," adds the right rev. Prelate, "are the words of Bishop Taylor." Now, these are not the words of Bishop Taylor. Bishop Taylor, speaking of the term "near of kin," says—

> "Our English is not sufficiently expressive of the full sense of it. The Latin is somewhat nearer to the Hebrew, '*Vir non accedet ad propinquitatem carnis suæ.*' God never forbade to marry our kindred, but he forbade to marry the nearness of our flesh. Hemingius gives a rule for this as near as can be drawn from the words and the thing, '*Propinquitas carnis,*' saith he, '*quæ me sine intervallo attingit,*' that is, 'she that is next to me, none intervening between the stock and me;' that is, the propinquity or nearness of my flesh: above me is my mother; below me is my daughter; on the side is my sister; that is all,"

He adds—

> "Unless God had intended these to be a perfect enumeration of all the persons forbidden to contract marriage mutually, it cannot be imagined why He should be pleased to repeat some degrees twice which are equally forbidden in the several instances; for if the parity of cognation were to

> be the measure, then those degrees which are twice repeated might, without such repetition, have been better reduced to the rule under which they were sufficiently prohibited. The same degree does not always admit the same prohibition: to marry my father's sister was forbidden, but it was not forbidden to marry my brother's daughter."

In a passage almost immediately preceding that quoted by the right rev. Prelate, Bishop Taylor refers to the 21st chapter of Leviticus, in which nearness of kin is defined: he does not subsequently refer to the 18th chapter, which contains no such definition, nor does he subjoin the words "Leviticus xviii." to the passage in question, as the right rev. Prelate erroneously supposes that he does. I should have called your Lordships' attention to an earlier passage, in which Bishop Taylor says—

> "It is at this day a great question among all men, whether brothers' and sisters' children, or cousins-german, may lawfully marry: which question supposes not only that the Levitical degrees are still thought obligatory, but even all those other degrees which by a parity of reason can be reduced to those measures."

Hence it appears that, in the opinion of Bishop Taylor, the arguments employed against the lawfulness of marriage with a deceased wife's sister, tell as strongly against the lawfulness of the marriage of cousins-german. On this subject there is another passage in Bishop Taylor which I will venture to read—

> "But if any scrupulous person shall inquire further, and suspect that some degrees or persons are forbidden to marry that are not here expressed, but included by a parity of reason, as it happens in another instance, for it is not forbidden to marry our mother's brother's wife; but, because here it is made unlawful to marry father's brother's wife, it is to be concluded, also, for the other, there being the same degree and the same reason. I answer to this by parts:—1. It is very likely that it is so intended that in equal cases there is an equal prohibition, but it cannot certainly be concluded and relied upon that it is so. 1. Because upon this account cases of fear and scruple might very much be multiplied to no purpose. For I remember that Fagius reckons out of the Books of the Rabbins twenty persons forbidden to marry, which yet are not reckoned in Leviticus. 2. Because of the rule of the law—L. Mutus 43, D. de procur., Quod lege prohibitoria non vetitum est permissum intelligitur: in negative precepts that which is not forbidden is presumed to be allowed. And to add more out of fear is either to be wiser than the law-giver, or to suspect him to be apt to quarrel by unknown measures and secret rules of interpretation. 3. Because I find that amongst wise nations the same degree does not always admit the same prohibition."

It is said that a man contracts by marrying a sort of oneness with his wife, by means of which all her relations become his relations also. No doubt, my Lords, a man by marrying does contract a sort of oneness with his wife; but it is a mystical unity. No one understands literally the words "they shall be one flesh." Every one is sensible that there is a wide difference between consanguinity and affinity—between a man's sister and the sister of his wife. Was not the difference recognised by Parliament in 1835? Lord Lyndhurst's Act legalised retrospectively all prohibited marriages of affinity, but did not legalise any within the prohibitions of consanguinity. What would have been said if it had been proposed to extend the operation of that Act to a marriage between a father and a daughter, or between a brother and a sister? I will not stop to answer the question. This reminds me that it has been urged as a reason for admitting the analogical argument that if it be not admitted the marriage of a father and daughter cannot be shown to be unlawful, inasmuch as it is not expressly prohibited. Is it not expressly prohibited? Is not a man forbidden to marry his near of kin, his "blood relations," as the Germans render the Hebrew words, or the "nearness of his flesh," according to Bishop Taylor, or "flesh of his flesh," according to Dr. Pusey? Again, is it not said, that a man shall not marry a woman and her daughter? Surely, these are prohibitions of the marriage of a father and daughter, not to speak of the natural law implanted by God in the heart of man which forbids such a union. If your Lordships required further proof that marriage with the sister of a deceased wife is not forbidden by the Mosaic law, consider what the Jews say on the subject: the Jews, to whom this law was given, and who are still guided and governed by it. The Jews tells you that—

> "It is not only not considered as prohibited, but it is distinctly understood to be permitted; and on this point neither the Divine Law, nor the Rabbis, nor historical Judaism leaves room for the least doubt."

Those are the words of Dr. Adler, the Chief Rabbi of the Jews, in the British dominions. God has said, "Ye shall not add to the word which I command you;" and yet it is contended that a prohibition to take a wife to her sister in her lifetime, is to be taken as a prohibition to marry the sister after the wife's death. Surely this is adding to that word. To add, out of fear, says Bishop Taylor, is to be wiser than the lawgiver. It appears then to me to be clear beyond the possibility of a doubt, that the Mosaic law did not forbid the marriages which this Bill would legalise. That our Lord or the Apostles condemned them has not, I believe, been asserted; and yet, questions touching marriage were put to our Lord, one especially—I mean that which relates to the marriage of a woman with seven brothers in succession—which must have called forth his reprobation of such a marriage, if it were unlawful in the sight of God. St. Paul, too, is silent on this point, though he gives many precepts with respect to marriage. It is true that the right rev. Prelate, to whose pamphlet I have referred, cites the case of Herod and Herodias, as one in which disapprobation is expressed in the New Testament of the marriage of a man with his brother's widow. Let us examine this case. The right rev. Prelate says, on the authority of Josephus, that the husband of Herodias was dead when Herod took her to wife. I have much respect for the learning of the right rev. Prelate, as well as for his eloquence and talents; but I think that Whiston's translation of Josephus is to be preferred to his. Now I find that the passage in Josephus, cited by the right rev. Prelate, is thus translated by the learned Whiston—

> "After whose birth (that of Salome) Herodias took upon her to confound the laws of our country, and divorced herself from her husband while he was alive, and was married to Herod (Antipas) her husband's brother by the father's side. He was tetrarch of Galilee."

To this passage the translator appends the note which I am about to read.

> "Nor was it, as I agree with Grotius and others, of the learned Herod the Tetrarch, but this Herod-Philip, whose wife Herod the Tetrarch had married, and that in her husband's lifetime, and when her first husband had issue by her, for which adulterous and incestuous marriage John the Baptist justly reproved Herod the Tetrarch."

As this is a case on which much stress was laid by the right rev. Prelate, and is the only one on which he relied, I must ask your Lordships' permission to support the authority of Whiston by that of a number of the Fathers and other commentators on the Scriptures—

> "Philip was, indeed, the tetrarch of Ituræa and of the region of Trachonitis. Some think, therefore, that, after Philip had died and had left a daughter, Herod married Herodias the wife of his brother, his law permitting marriage when children did not survive. Since, however, it is not by any means clear to us that Philip had died, we think that Herod's transgression of the law was yet greater, that he seduced the wife of his brother while living."—*Origen's Commentary on St. Matthew*, xiv. 4.
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> "He was first a burglar in his brother's bed, that, from the pit of adultery (*της μοιχειας σκαμματος*) he might strip himself for the murder of the Baptist. * * * He appropriates to himself the wife of his living brother, using the kingly power in aid of his profligacy.
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> "Indeed it did not shame him to pollute his fraternal couch. She, acting madly against her husband, turned to an adulterous bed, and, leaping from her lawful couch, embraced a detestable bed (*μυσαρον Θαλαμον*)."—*Basil of Seleucia, Homily* xviii., *on Herodias.*
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> "Ancient history relates that Philip, the son of Herod the Greater (under whom our Lord fled into Egypt), the brother of that Herod under whom Christ suffered, married Herodias the daughter of King Aretas; that afterwards, indeed, his father-in-law, some quarrels having arisen against his son-in-law, took away his daughter, and, to the grief of her former husband, united her in marriage with his enemy Herod. But who that Philip was the Evangelist Luke teaches more fully. 'In the fifteenth year of Tiberius Cæsar, Pontius Pilate being procurator of Judæa, Herod, tetrarch of Galilee, and Philip his brother, tetrarch of Ituræa and the region of Trachonitis.' Therefore, John the Baptist, who came in the spirit and virtue of Elias, with the same authority with which he reproached Ahab and Jezebel, rebuked Herod and Herodias, because they had made an unlawful marriage, and it was not lawful, the brother living, for the brother to marry his wife (et non liceat, fratre vivente, germano uxorem illius ducere): preferring to incur danger at the hands of the King, rather than for the sake of adulation to be unmindful of the precepts of God."—*St. Jerome's Commentary on St. Matthew*, xiv. 3 and 4.
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> "Let us consider, therefore, how the wicked seek their iniquity and hatred. Herodias, abounding in the wealth of Royal power, was united in lawful marriage to Philip the tetrarch. She entertained Herod on his going to Rome as the brother of her husband, by the right of hospitality and affinity; with whom having made an agreement for her union, not long afterwards she left her husband, and exchanged the rights of her alliance. Did she not seek iniquity and hatred, who deserted marriage and found adultery? And because the holy Baptist boldly censured the unlawful nuptials, saying to Herod: It is not lawful for thee to have that woman who has left her husband contrary to the law and has married the brother of her husband as if according to the law; the adultress is roused to anger, so that she wished to kill him."—*St. Ambrose's Commentary on the 35th Psalm.*
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> "He bound him and put him in prison. Herod do you commit adultery, and is John hurried to prison?"—*St. Peter Chrysologus, Sermon* 127.
>
> "For John said to Herod: It is not lawful for thee to have thy brother's wife. Herodias, who, in the love of wickedness, desired to be the wife of two brothers, that, by her [criminal] affection, she might violate his [natural] love, and be united to Herod, lest they should be dissimilar in name, who were alike in wickedness, manners, and life, and that they might be joined in name, whom

the turpitude of their crimes had joined. This Herodias therefore lay in wait for John. Herod did not overcome the desire of the adulteress; the crime, however, of the adulteress he deferred."—*Ibid. Sermon* 173.

"And Josephus relates that it was on account of Herodias, the wife of Philip, Herod's brother, that Saint John was beheaded. For Herod had put away his yet surviving wife, to whom he had been lawfully married, she being the daughter of Aretas, King of the Arabians, and had, moreover, separated Herodias from her husband while he was yet living, having also on her account put John to death."—*Chronicon Paschale, Bonn. Ed.* vol. i. p. 408, *Corpus Scriptorum Hist. Byz.*

"Herod feared John the Baptist, whom all men regarded as a prophet, and put him out of the way because, as Josephus says, and as the holy Evangelist says more accurately, he reproved him for committing adultery with Herodias, his brother Philip's wife." — *Georgius Syncellus, Bonn. Ed.* vol. i. p. 606, *Corpus Script. Hist. Byz.*

"For he [Herod] married her [Herodias] although she was the wife of his brother Philip (the law not permitting it, for she had had issue by her brother), and this while his brother was yet alive, as appears from Josephus."—*Nicephorus Callisti*, book i. c. 19.

"This woman, Herodias, (the daughter, not of Aretas King of the Arabians, as Jerome pretends, in Matt. xiv., but of Aristobulus) Herod the tetrarch having seen at the house of his brother Herod, when he turned aside to visit him on his way to Rome, made his wife, contrary to the laws, having taken her away from her lawful husband who was yet alive, (though Augustine in vain denies this)."

64. Herodias. "Hanc (filiam non Aretæ regis Arabum, ut fabulatur Hieronymus, in Matt. 14, sed Aristobuli) Herodes tetrarcha, visam apud fratrem Herodem, cum ad eum in itinere versus Romam divertisset, contra leges thoro junxit, marito legitimo adhuc vivo, (frustra negante Augustino,) raptam."

OR THUS,

"Herod the tetrarch having turned aside to visit his brother Herod, as he was journeying toward Rome, saw Herodias there, and, contrary to the laws of the country, took her away from her lawful husband, who was yet alive, and made her his wife."—*Christ. Noldius on Herod and Herodias.*

"That the marriage of Herodias and Herod was unlawful we cannot doubt, because that eminently holy man John the Baptist had so pronounced it, but for what reason it was unlawful authors are not agreed. There are some among the most ancient of the fathers of the Christian Church who would argue that the case comes under the sacred law requiring the husband's brother to marry his widow, but only when he had died without issue. But even if this were so, it is by no means clear, either that Philip was then dead, or that he had any issue, whether the damsel that danced or another."

"Illicitum fuisse Herodiadis et Herodis conjugium dubitare non debemus, ideo quod sic Joannes Baptista, vir sanctissimus pronunciaverat, sed de ratione qua illicitum non consentiunt scriptores. Sunt quidem inter vetustissimos Christianismi patres qui ad legem sacram de fratria ducendo leviro, sed tantum ubi frater sine liberis mortuus esset rem velint attinuisse. Sed quidem aut Philippum mortuum tum fuisse, aut prolem ei saltatricem illam aliamve, fuisse, non ita satis liquet."

—*Selden, De Jure Naturali, &c.*, lib. v. c. 21.

"Selden then goes on to argue that if we understand Josephus aright, we shall find the case does not come under Leviticus xviii. 16, but was simply a case of adultery:

"And so the case cannot have anything to do with the law respecting marrying a brother's widow, but with that law which forbids one man to have another man's wife."

"Atqui ita sane ad legem illam de fratria leviro ducenda res attinere nequibat, sed ad illam qua aliena uxor cuique interdicitur."

"John the Baptist did not put an end to the law, but Christ, if the change and abrogation of the law is in question. John, however, also put an end to the law, because he himself was the last prophet of the Old Testament, according to the Gospel of St. Luke, xvi. 'The law and the prophets were until John.' Wherefore, during the whole of John's time the law of Moses was in force, and Herod, who professed that law, was bound to observe it. But it was not lawful for him, according to the law, to have the wife of his brother, whether he were living or whether he were dead, because issue were already born of that marriage, namely, that daughter of Herodias, who, by the art of dancing, so pleased the king that she demanded from him the head of the holy John. Also that she was the daughter of Herodias, by her former husband, Chrysostom teaches (Hom. 49 on Matthew), and it is sufficiently clear from this that the death of John happened at the very beginning of Herod's conjugal union with Herodias, as is evident from Josephus, c. 18, Antiq. c. 10. If, therefore, at that time the girl already knew how to dance, she must have been born many years before; nor is it probable that John would have waited so many years before he rebuked Herod for his public crime.

"Secondly, it may be replied that the crime of Herod was not incest only, but also adultery; if, as St. Hieronymus relates from ancient histories, in his Commentary on c. xiv. of St. Matthew, Herod took the wife of his brother who was living, which Josephus also writes c. 18, Antiq. c. 9, although there is a disagreement in the name. For Josephus says that that Herod married Herodias the wife of another Herod, his brother, while living. But Hieronymus calls the brother of Herod, Philip, whose wife Herodias was before. And what is much more, Mark, c. vi. calls him plainly Philip. Wherefore it must be either that Josephus was mistaken, or that the man was called by both names. It, however, makes our case, that all agree that Herod had the wife of his living brother."—*Bellarmine, De Matr. Sac.* lib. 1, c. xxvii.

"What Josephus invents concerning Herodias, Herod, and Philip, requires considerable notice. For while reviewing the pedigree of Herod, he says that Herodias the daughter of Aristobulus, the son of Herod the Great, married Herod, the son of the said Herod the Great by Mariamne the daughter of Simon the High Priest, by whom she had issue Salome, who was first married to Philip the tetrarch, and secondly, after his death to Herod, the son of Aristobulus, the son of Herod the Great, by whom she had three children, Herod, Agrippa, and Aristobulus. That this same Herodias, her first husband being contemned by her, namely, Herod, the son of Herod the Great by Mariamne, by whom she had issue Salome, married Herod Antipas, Tetrarch of Galilæa. You may see the man after his usual manner (as elsewhere we have often seen and said) speaking under some hallucination, and by no means consistently with himself; for, with regard to Herodias, he says she was married, not to Philip the tetrarch (as the Evangelist has it) but to Herod, the son of Herod the Great, by another Mariamne, daughter of Simon the High Priest. Wonderful indeed it seems whence that new Herod sprang; for, when the same Josephus treats of the will of Herod twice made, and adds remarks concerning the kingdom of Herod the Great divided among his sons by a decree of the senate from Augustus, no mention of this Herod is ever made by him, nor is any account given concerning him. Again, when he says that the daughter of Herodias, begotten by this unknown Herod, was given in marriage to Philip the tetrarch, he is signally mistaken. No other daughter of Herodias is read of except the dancing girl.

"Indeed all other historians contradict Josephus; but first, he is accused of a manifest error by the testimony of the three Evangelists who were writing concerning the affairs of their own times.

"That writer also appears to err who asserts that the said Herodias was the daughter of Aretas, King of Arabia Petræa, not the Evangelists only (and) Josephus contradicting it, but others also are opposed, and assert that she (as we have said) was the daughter of Aristobulus, son of Herod the Great.

"What truly pertains to Philip, the husband of Herodias, and which the Evangelists have mentioned is this; he is praised in the highest manner by Josephus in these words:—'A man,' he says, 'who showed a moderate and peaceable disposition to those over whom he ruled; he resided constantly in the country subject to him. His progresses were made with a few chosen friends, and his throne on which he sat to judge followed him on the road, and whenever any one met him who wanted his assistance, he made no delay, but had his throne set down wherever he might happen to be, and sitting upon it heard the complaint, and pronounced sentences of punishment on the guilty and absolved those who had been accused unjustly.' These words wrote Josephus, who also asserts that the same man departed this life without children in the 20th year of the Emperor Tiberius. We must not omit to say that that passage of the Evangelists concerning Herod, that he married his brother's wife was perverted by the Montanists; who in order to found the heresy concerning monogamy, that it was not lawful for a widow to marry again, and that they might be able to prove this from the Gospel, added, as they incorrectly read, that Herod married the wife of his deceased brother, as Tertullian (ad Marc. l. 4, c. 34), who held the same opinion with them, read. But he wrote these things when he was writing against Marcion who treated the Gospel with contempt; when, however, he wrote against the Catholics, whom he calls Psychichi in his book *De Monogamiâ*, he abstains from any false citation of that kind.—*The Annals of Baronius*, vol. i. p. 80.

"The crime of Herod here was twofold. For to take away from a living husband the wife whom he had not divorced, was rape and adultery, and more flagrantly wrong, because it was committed against a brother."—*Poole's Synopsis.*

"Duplex hic fuit Herodis transgressio. Nam viventi marito uxorem non ab ipso dimissam abducere, raptus atque adulterium est, hoc insigniore injuria quod in fratre committebatur."

"Herod Antipas had been married a considerable time to the daughter of Aretas, King of Arabia Petræa, but conceiving a violent passion for his brother Philip's wife, Herodias, he first seduced her affections from her husband, then dismissed his own wife, and married Herodias, during the lifetime of his brother Philip."—*Bishop Porteus on Herod and Herodias.*

"What John said to him was, 'It is not lawful for thee to have her, being forbidden by Levit. xviii. 16; for, though by another law it was right to marry a brother's wife after his decease, when he left no issue, yet this was not the case here; Philip was now living, and, had he been dead, such a marriage would have been unlawful because there was issue. She had a daughter, who afterwards is said to dance before Herod; and besides, he himself had another wife whom he put away: so that his sin was a very aggravated and complicated one."—*Dr. Gill on Herod and Herodias.*

"I hope what is already said may be sufficient to convince all reasonable men there is no just ground to suspect the Evangelists of any mistake in the name of Herodias' first husband. However, there is something further to be offered. There are other writings extant in which he is called Philip. I shall transcribe here the account of it in Dr. Whitby's words. Gorionides saith, 'Herodias was first married to Philip, and then taken away from him by Herod Antipas.' The old Hebrew Chronicle saith, 'Uxorem fratris sui Philippi, ipso viventi, junxit sibi matrimonio, quæ liberos ex fratre ejus susceperat, et tamen is eam duxit uxorem' (c. 36). And an old Chronicle of the second temple saith, 'Antipas Philippi fratris sui uxorem accepit, ex qua ille liberos ante genuerat' (F. 54, c. 4); that is, Antipas married the wife of his brother Philip, he being yet living, and having had children by her."—*Lardner's Credibility of the Gospels*, vol. i. p. 525.

Opposed to all these names stands only that of Tertullian. He alone represents Josephus as having said that Philip was dead when Herod married Herodias; and that he was sometimes intentionally inaccurate is affirmed by Baronius. I have now, I think, shown that the single case brought forward to prove that marriage with a deceased wife's sister is by analogy unlawful, is not a case in point. If, then, such a marriage was not forbidden by the Mosaic law nor by the Christian dispensation, by what is it forbidden? Some will reply, by the law of the Church.

The Church, they will say, has for 1,500 years prohibited these marriages. My Lords, there is no evidence whatever to show that the Church during the first three centuries did prohibit these marriages. The earliest collection of ecclesiastical laws now extant in which mention is made of these marriages, is that known by the name of the Apostolical Canons. The general opinion of learned men is that these canons were framed after A.D. 325, in which year the first Nicene Council was held. That they were the work of the Apostles, or even of any disciples of the Apostles, is believed by none. Ayliffe says—

> "In the canon law they are reckoned as apocryphal books, which surely they had never been if the Church had received them by public authority in the early ages of the Church."

Only fifty of these canons were received at all by the Western Church, and even those fifty were held by the Roman divines rather as records of ancient usage than as rules to guide the Roman Church. The congregation of Protestant divines, assembled at Magdeburg in the early days of the Reformation, declared these canons spurious. Admitting, however, that they are genuine and of high antiquity, that is to say of the fourth century, I will ask you to consider whether they do condemn these marriages as being unlawful. The 19th Canon certainly says that a man who has married two sisters may not become a clergyman, but it is equally certain that the same disability is extended by the 17th and 18th to those who have been married twice, or to one who has married a widow, or a servant-maid, or an actress, none of whom may become a bishop, a presbyter, or a deacon. A body of canons is like an Act of Parliament, which has a number of clauses. One is as binding as another. All are valid or none. From the Apostolical canons let us proceed to those of the Councils held at Iliberis and at Neo-Cesaræa early in the fourth century. Both were provincial Councils; and here let me remark that these marriages have been condemned by no general Council. When these Councils were held, a notion had become prevalent that the state of celibacy was holier and purer than that of marriage, and accordingly impediments were thrown by the Church in the way of marriage, especially in the way of the marriage of the clergy. These impediments were gradually multiplied, till at length the laity were forbidden to contract marriage within seven degrees, and the clergy to marry at all. Marriage between persons who had contracted spiritual affinity, that is, who had been sponsors to the same child, was also prohibited. Marriage within seven degrees is still forbidden by the Greek Church. The Church of Rome now permits marriage beyond the fourth degree, and never refuses to grant a dispensation to enable a man to marry the sister or the niece of his deceased wife; and here let me observe that the Church of Rome has never claimed for itself or for its head a power to dispense with the laws of God, and that it is only with those of the Church that the Pope has ever claimed the right to dispense. The Council of Iliberis discountenanced marriage with a deceased wife's sister, and that of Neo-Cesarea with a brother's widow; but they also discountenanced second marriages, marriage with a widow, and many other things which our Church deems perfectly lawful. All, then, that the canons of these Councils can be considered as proving is, that the Church in the fourth century imposed a great number of restrictions, of which most are obsolete. I may add that even these canons do not prohibit marriage with a deceased wife's sister, nor annul it when contracted. They only inflict a penance on the parties who have contracted it. I will not refer particularly to the canons of other provincial Councils. It is sufficient to say that there are many which restrict still further the liberty to marry, especially that of the clergy. I will proceed to consider the state of the law in this country respecting marriage with a wife's sister. Till the Reformation, persons desirous of contracting such a marriage had no difficulty in obtaining a dispensation which enabled them to do so. Soon after the Reformation, Archbishop Parker framed and published a table of forbidden degrees, which included that of a wife's sister. In 1603, a convocation of the Bishops and clergy of the province of Canterbury adopted this table and incorporated it in their canons. These canons were confirmed by the King, but were not sanctioned by Parliament, and are therefore not binding on the laity. How far they are binding on the clergy I am not sufficiently conversant with ecclesiastical law to say. The clergy do not subscribe these canons, nor promise to obey them. Indeed it is notorious that many of them are impracticable, and that many are disregarded. The Bishop of St. Asaph has so described them in his *History of the Church of England*, and he has expressed a wish that the whole code should be remodelled, and sanctioned by a legal enactment. Let me here remind your Lordships, that by the canon law a divorce *à vinculo* can be granted only for a cause existing before the marriage, and which renders it void *ab initio;* so that every Divorce Bill which passes through Parliament is an infraction of this canon law; and yet I never heard that any right rev. Prelate had protested on that ground against the passing of a Divorce Bill. The Church, it is said, has authority in matters of faith. She has: but are the Church and a convocation of the clergy synonymous words? Is not the Church a congregation of faithful men, lay as well as clerical? Is not the lay element essential to the constitution of the Church? Whether a clergyman is liable to any, and if to any, to what, punishment for celebrating such a marriage as this Bill would legalise, I am unable to say. No clergyman has ever, I believe, been proceeded against for so doing. But I can say that the present Bill does not alter his position in this respect. It does not authorise him to celebrate any marriage which he may not celebrate now. Of the statute law I will say but little. The 32 *Henry* VIII. c. 38, declares that every marriage contracted between lawful persons shall be taken to be a good, lawful, and indissoluble marriage; and it declares all persons to be lawful "that be not prohibited by God's law to marry." The 1 *Mary*, Sess. 2, c. 1, declares the marriage of King Henry VIII. and Queen Katherine to be a most just and lawful matrimony, Queen Katherine being, when she married Henry VIII., the widow of his brother. These two statutes have never been repealed. It has, however, been decided, in spite of their existence, that marriage with a wife's sister is not a valid marriage. Your Lordships will, however, bear in mind that, till the passing of the Act commonly called Lord Lyndhurst's Act, marriages of this description could be set aside only in the lifetime of both parties. They were voidable, not void, and were seldom set aside; never, indeed, *pro salute animarum*, which is the reason assigned by the ecclesiastical law for separating the parties. Unless there was some person who had an interest in annulling the marriage to institute the necessary proceedings, the necessary proceedings were not instituted at all. They were, therefore, virtually permitted; at least they were tolerated. Would the marriage of a father and daughter, or of a brother and sister, have been so tolerated? Assuredly not. Public indignation would have been aroused, the marriage would have been instantly annulled, and the parties would have been punished. The Act of 1835 made a great change in the law. When brought in as a Bill by the noble and learned Lord whose name it bears, it did not provide that all future marriages within the prohibited degrees should be null and void; on the contrary, it provided, that unless a suit for annulling the marriages were instituted within a certain limited period after its celebration, the children should be legitimate. The noble and learned Lord subsequently altered his Bill, in order, I presume, to ensure its passing, and thus to validate certain marriages which had previously taken place; so that when it became an Act, it legalised all past marriages within the forbidden degrees of affinity, and rendered absolutely null and void all future marriages within the forbidden degrees, whether of affinity or of consanguinity. It has always appeared to me, that those who supported that Bill, and oppose this, are in this dilemma — these marriages are either incestuous or they are not; if they are incestuous, they ought not to have been retrospectively legalised; if they were not incestuous, they ought not to have been rendered prospectively null and void. Out of this dilemma there is no escape. A right rev. Prelate (the Bishop of Exeter) has, indeed, said, that after the passing of Lord Lydhurst's Act, it was still open to the proper, that is, I presume, the Ecclesiastical Court, to proceed against the parties to such a marriage, to sentence them to live apart, and if they persisted in their sinful intercourse, to punish them even with excommunication. Will the noble and learned Lord the Chief Justice of England confirm that assertion, and say that an Ecclesiastical Court has power to punish persons for continuing in a marriage which Parliament has declared shall not be annulled? Will he tell the House that the Superior Courts would not grant a prohibition staying such a proceeding? I have the authority of Sir William Follett for asserting that they would. The right rev. Prelate himself cannot point to a single case in which punishment has been inflicted, or in which the separation of the parties has been enforced, by the Ecclesiastical Courts. I venture, then, to affirm, that the marriages which the right rev. Prelate calls incestuous, and which Parliament declared in 1835 that the Ecclesiastical Courts should not annul, are in all respects good and valid marriages in the eye of the law. I have already adverted to the difference made in this Act between marriages of consanguinity and marriages of affinity. The latter were legalised, the former were not. Why this difference? It will not be said that the children are more innocent in one case than in the other. Was it not that Parliament felt and acknowledged that consanguinity and affinity are not the same thing, and that the wife's relations are not "near of kin" to the husband? Will any man say that he would as willingly marry his own sister, as the sister of his wife? Let us now look to the law and the practice of other countries. There is, I believe, no State in Europe, except England and Russia, in which these marriages are prohibited, and in Russia persons not belonging to the Greek Church are allowed to contract them. In Roman Catholic countries, the necessary dispensation is never refused, except when criminal intercourse has previously taken place between the parties, and in the Protestant States the requisite permission is granted by the proper authority. In France, which is a Roman Catholic country, not recognising, however, the ecclesiastical regulations of the Council of Trent, and where marriage is a civil contract, permission to celebrate them is granted, as a matter of course, by the Minister of Justice, without reference to any ecclesiastical authority. It has been asked whether it is desirable to assimilate the marriage law of this country to that of countries in which divorce is easy and frequent. We do not propose to render divorce more easy, but to permit persons to contract a marriage in this country which the experience of other countries shows is less frequently dissolved than any other. It is to be remembered, when we speak of the frequency of divorce in Prussia and other German States, that there is not in them, as there is practically in this country, one law for the rich and another for the poor. Divorces would be much more numerous here than they are if Divorce Bills were less expensive. But if the example of Europe is insufficient to convince your Lordships of the expediency of legalising these marriages, I will bring that of America to support it. Are the Americans an irreligious or an immoral people? It will, I am sure, be admitted by all that they are an eminently moral, and an eminently religious people. And yet we find that these marriages are permitted throughout the length and breadth of the land, in every State of the Union. A few years ago they were still prohibited in Virginia: they are prohibited no longer in that State. And what do the heads of the Church, the Episcopal Church, and of the law in America, tell us? Why, that not only has no disadvantage, social or domestic, resulted from these marriages, but that they are deemed in America the best sort of marriage. Surely, my Lords, this is strong testimony and deserving of serious consideration. And now, my Lords, as to the law of Scotland, of which so much has been said. First, however, let me observe, that this Bill does not extend to Scotland, any more than does the Act of 1835, or that of 1753, or any other English Act relating to marriage. In a judgment recently pronounced by Lord Ardmillan in the Court of Session of Scotland the law is thus laid down:—

"'Marriage,' says St. Paul, 'is honourable in all,' and against every restriction by mere human authority on the liberty of marriage, the Protestant testimony stands recorded. Accordingly the Scottish law of restraint on marriage is avowedly founded on the Divine prohibitions.

"The doctrine of the Reformed Churches is that marriage shall be as free as the law of God has left it; and the divine law, as contained in the 18th chap. of Leviticus, is imported into the Scottish Statute of 1567, chap. 14, and is referred to in the next Statute of 1567, chap. 15. All connections expressly prohibited by the divine law in this 18th chap. of Leviticus, are declared by the statute law of Scotland (1567, chap. 14) to be incestuous and punishable with death. To find the express prohibition against marriage with the sister of a deceased wife, it is necessary not only to examine the Scriptures, but more particularly to construe the 18th chap. of Leviticus; and if there is no express prohibition there, the connection is not incestuous.

"There has been no such series of decisions, no such solemn deliverance, and no such settled judicial practice as to amount to an authoritative construction of the statute, and relieve the Court from the necessity of construing it by the canon of the 18th chap. of Leviticus. Then, the declaration in the Confession of Faith, and the Parliamentary ratification of that confession, though binding on the Presbyterian Church, and though, perhaps, binding on the State of a Presbyterian country to civil effects, is not binding as a Legislative construction of the prohibition of the divine law to the effect of creating a capital crime.

"The question, 'What says the statute?'

throws us back on the other question, what is 'expressly prohibited in the 18th chapter of Leviticus?' Nothing less than an express prohibition can be sufficient. Such a marriage may not be expedient; nor is a marriage expedient where there is great disparity of age, extreme penury, or taint of hereditary disease. It may not be consistent with a sound religious profession; nor is a marriage with an infidel, or a person of bad character. But if there is no express prohibition, it is not within the statute. On this point the Lord Ordinary would willingly defer to the authority of the Confession of Faith; but in this Protestant country, which refuses to ecclesiastical authority the right to create or declare a crime, it is impossible to escape from the responsibility of forming an independent opinion. With great diffidence, therefore, and with unfeigned respect for the many learned and excellent persons who have arrived at an opposite conclusion, the Lord Ordinary ventures to express his opinion, that there is in the divine law, and more especially in the 18th chapter of Leviticus, no such 'express prohibition' of this marriage as to make it incestuous under the statute.

"It is not necessary, and not appropriate, to enter here into any explanation of the reasons which have led him to form this opinion. He has reached it, against first impressions and after anxious and deliberate consideration.

"But if it be not an incestuous connection in Scotland, then there is no ground for refusing to recognise here the legitimacy which the law of England has conferred on the defender. Story, concurring with all the leading authorities on international law, after stating that 'No Christian country can recognise incestuous marriages,' proceeds to say, 'But when we speak of incestuous marriages, care must be taken to confine the doctrine to such cases as by the general consent of Christendom are deemed incestuous.'"—(*Story*, sect. 114, 115.)

"And the marriage with the sister of a deceased wife is referred to, as an illustration of a connection not incestuous by such general consent."—(Sect. 116.)

"'In the diversity of religious opinions in Christian countries,' he adds, 'A large space must be allowed for interpretations as to religious duties, rights and solemnities.'"—(See also *Kent*, p. 85; *Grotius*, b. ii., cap. 5, sect. 12, 13, 14.)

"And when one considers the long continued dispute on the subject, and the distinguished names arrayed on both sides of the controversy, it does seem difficult to conclude that such a marriage is deemed incestuous 'by the general consent of Christendom.'"

Lord Ardmillan's decision has, it is true, been appealed against, but his opinion, which coincides with that of Lord Rutherford and other eminent Scottish lawyers, must be taken to be good until the Court of Appeal has ruled that it is not. That most of the Scottish clergy believe these marriages to be forbidden by the law of God I do not doubt, but I know that several learned divines of the Church of Scotland, among whom are Dr. Chalmers and Dr. Eadie, have denied that the law of God prohibits them, either directly or by implication. To proceed: I had intended to read to your Lordships extracts from the writings of Luther, of Milton, of Montesquieu, and of Southey, in some of which the expediency, and in all of which the lawfulness, of marriage with the sister of a deceased wife is maintained. I had also intended to read an extract from a pamphlet of the late Lord Denman's; but I will content myself with referring to their recorded opinions. That the existing law is ineffectual for its purpose I have the authority of the Commissioners who were appointed by the Crown in 1847 to inquire into its operation, for asserting. That it produces much unhappiness and much immorality is attested by 400 of the parochial clergy, whose petition in favour of this Bill has been presented this evening by my noble Friend near me (Lord Overstone). These men, ministering as they do, in large and populous parishes, see what the effects of the existing law really are. But it is said that all men are bound to obey the law, and that those who suffer for disobeying it suffer justly. Let me refer to what Blackstone says on this point—

"It is held, it is true, and very justly, by the principal of our ethical writers, that human laws are binding on men's consciences. But if that were the only, or most forcible obligation, the good only would regard the laws, and the bad would set them at defiance. And, true as this principle is, it must still be understood with some restriction. It holds, I apprehend, as to rights: and that, when the law has determined the field to belong to Tertius, it is matter of conscience no longer to withhold or to invade it. So also in regard to natural duties, and such offences as are *mala in se*: here we are bound in conscience, because we are bound by superior laws, before those human laws were in being, to perform the one and abstain from the other. But in relation to those laws which enjoin only positive duties and forbid only such things as are not *mala in se* but *mala prohibita*, merely, annexing a penalty to non-compliance, here, I apprehend, conscience is no further concerned, than by directing a submission to the penalty, in case of our breach of those laws; for otherwise the multitude of penal laws in a State, would not only be looked on as unimpolitic, but would also be a very wicked thing, if every such law were a snare for the conscience of the subject. But in these cases the alternative is offered to every man: 'either abstain from this, or submit to such a penalty,' and his conscience will be clear, whichever side of the alternative he thinks proper to embrace. Thus by the statutes for preserving game, a penalty is denounced against every unqualified person that kills a hare. Now, this prohibitory law does not make the transgression a moral offence: the only obligation in conscience is to submit to the penalty if levied."

And what is the penalty in this case? The bastardising of the children and the degradation of the wife to the state of a concubine. Surely, my Lords, the Legislature has no right to inflict such a penalty unless it can be shown that the Act to which it is annexed is contrary to the law of God, or productive of great social evil. That marriage with a deceased wife's sister is not contrary to the law of God, several right rev. Prelates, one of whom (the Bishop of St. David's) is now present, have, while refusing on other grounds to permit it, frankly admitted. That it is not productive of any social evil the experience of other countries conclusively demonstrates. When it is found that a large number of moral and religious persons disregard a particular law, it may fairly be inferred that that law is a bad one. A few years ago the sale of game was illegal, and yet no one scrupled to buy game. The chief magistrate of this metropolis himself did not hesitate to set before the Bishops and Judges and Ministers of the Crown who were his guests, hares and partridges which had been procured in spite of the law. What did Parliament do? It legalised the sale of game. So with respect to the qualification to kill game. Not long ago no man had a right to kill game unless he possessed landed property of a certain value. Did this enactment restrain a single unqualified man from shooting? Not one. What was the consequence? That the law was altered, and that a "qualification" is no longer required as a condition of the right to kill game. In this age and country it is impossible long to maintain a penal law which is either unjust or unnecessary. I now come to an argument which is much relied on by the opponents of this measure. They contend that its effect would be to place the wife's sister in a different relation to the husband from that in which she now stands. Knowing that he might one day marry her, she could not during the wife's life treat him as a brother, nor reside in his house after the wife's death. To suppose that any woman would, during her sister's life, contemplate the possibility of marrying that sister's husband, is to suppose what is impossible. Women are incapable of conduct so heartless. They who entertain this apprehension must object to the admission into the intimate society of a married couple of a cousin, or a female friend, or, indeed, of any woman whom the husband might marry after his wife's death. No, my Lords, this Bill will not alter the position in which the sister now stands with relation to the husband during the life of the wife. The second objection stated in this argument is based on the assumption that a young unmarried woman would now be warranted by public opinion in residing in the house of her deceased sister's husband. I believe that few men would like to place a daughter or a sister in that position, however certain they might feel of its freedom from any real danger. If, after the passing of this Bill, a widower and his late wife's sister were to live in the same house and not to marry, there would be a strong presumption that they entertained for each other no feeling save that of friendship. My Lords, I am told that the women of England are opposed to this measure. I think it possible that a majority of them are so, though I know that among the 700,000 signatures which the petitions in favour of this Bill have received, there are those of many thousands of women. I do not deny that a large proportion of the women of the higher classes disapprove of this measure, but I cannot help thinking that this is owing to their imperfect acquaintance with the operation of the existing law. They do not, they cannot know how much unhappiness, how much immorality, it occasions. They apprehend that this measure would be productive of evil, but of the nature or extent of the evil to be produced by it they have, I think, no very distinct or definite notion. The promoters of the proposed change in the law have been reproached with having resorted to agitation for the purpose of bringing it about. So far as I know they have done nothing which is not perfectly legal and perfectly proper. They have called the attention of the public, as well as that of Parliament, to the grievance. They have circulated throughout the country statements of their case, and have brought it under discussion at public meetings held for the purpose in the principal towns, and have excited a considerable feeling in their favour throughout the moderate and thinking classes. The result of these proceedings has been to satisfy very large numbers of persons that marriage with the sister of a deceased wife ought to be legalised, and to induce 700,000 of those persons to petition Parliament in favour of this Bill. What is there in this deserving of censure? Every man who thinks that a particular measure is calculated to improve the moral, the social, or the political condition of the country, must desire to secure for it the support of the people. If the late Mr. Wilberforce and his coadjutors had not done this, they would not have succeeded in abolishing the slave trade. It was said by some that it was not worth while to legislate for so small a number of persons; I can assure your Lordships that the number is not small; but in the existing state of the law many persons are reluctant to make known that they had contracted these marriages; and several of the marriages, likewise, have been contracted by persons in humble circumstances, and are not, therefore, easily ascertainable. Nevertheless, it is known that a vast number of these marriages have taken place, and the number is increasing, and, consequently, by refusing to sanction them the Legislature is laying up a large stock of future misery and litigation. Though there might be some doubt as to the legality of these marriages contracted by persons going abroad for the purpose, I am told that in the case of a *bonâ fide* domicile abroad, Sir F. Kelly and other lawyers have held that there can be no doubt as to the legality of the marriages. Your Lordships have been urged to reject this measure on the ground that it may be made a stepping-stone to others. This argument will, I am sure, have no weight with your Lordships. If you think that what you are asked to do ought to be done, you will not refuse to do it because you may be asked hereafter to do something which you think ought not to be done. If this principle were acted on there would be an end to improvement. The noble and learned Lord (Lord Brougham), who has laboured so zealously and so effectually in the cause of law reform, would have been stopped at the very outset of that career if such an objection had been allowed then to prevail. I have no reason to believe that any one desires to lessen still further the number of forbidden degrees. I have certainly no such wish; but I cannot undertake to say that no Member of either House will at any future time propose to legalise any marriage which is not legalised by this Bill. To give an assurance to that effect is manifestly impossible. I can only say that if, contrary to my expectation, such a measure is brought forward, your Lordships will not be precluded from dealing with it as you may think fit, by dealing with this according to its own merits. Before I sit down I must say a few words regarding myself. It has been asked why I bring this measure forward, and it has been insinuated that I have some personal interest in the matter. My Lords, I have none; neither, to the best of my knowledge and belief, has any friend or relation of mine. When, in 1850, my right hon. Friend the Recorder of the City of London asked me to take charge in this House of a similar Bill which he had just carried through the House of Commons, I at first declined to do so. It was not till after I had fully considered the question, and had weighed the arguments on both sides, that I made up my mind to support my right hon. Friend's Bill. Having come to that conclusion, I felt that I ought no longer to refuse to take charge of it. I accordingly called on your Lordships, though without success, to give your assent to that Bill. It is the same feeling which has impelled me again to stand up in my place in this House as the advocate of those who, believing that marriage with the sister of a deceased wife is not contrary to the law of God, nor productive of any social or domestic evil, ask you to legalise it. My Lords, it only remains for me to thank you for the patient hearing which you have granted me, and to move that this Bill be now read a second time.

Moved, That the Bill be now read 2ª.

THE BISHOP OF OXFORD said, his noble Friend (the Earl of St. Germans) had expressed the reluctance with which he undertook to bring forward this subject, and he (the Bishop of Oxford) could assure the House that it was with a similar feeling that he rose to oppose his noble Friend, and to endeavour to prevail on their Lordships, by a large majority, to read the Bill a second time on that day six months. It was painful to him to oppose the noble Earl upon any matter, and he was not equally happy with the noble Earl in not having a single friend interested in this question; it was painful to take a course which he knew would give pain to many whom he would fain abstain from paining. But all considerations of that kind must be set aside when there was a plain line of duty to be followed in order to maintain God's great safeguard round domestic purity—a safeguard which their Lordships had received from those who had gone before them, and which they were bound to hand down to their descendants in the same purity as they had received it from their ancestors. Without entering into the consideration of the authorities and the deductions from biblical criticism which the noble Earl had brought under their Lordships' notice, there was, in his opinion, a preliminary reason for refusing to entertain this Bill. It either went too far, or it did not go far enough. A greater injury could hardly be done to any country than to enact contradictory statutes upon matters affecting moral principles. No doubt the Statute-book contained many old and obsolete statutes which were inconsistent with new enactments. But this inconsistency was very different from that which would be involved in setting aside a number of statutable enactments, and, upon a matter in which the deepest moral principles were concerned, putting the law in a state of direct and absolute opposition to itself. That, however, was what their Lordships would do if they passed this Bill. The Act of Uniformity took into itself the Rubric of the English Common Prayer-Book, and courts of law always looked upon those parts of the ecclesiastical law which had not been repealed by any statute as binding upon them in all matters which in any way involved the question of incest. It was instructive to remember the course which attempted legislation had taken upon this question. Originally it was proposed to make those marriages lawful, and to bind the clergy to perform them in the same way as they were bound to perform other marriages. But it was found impossible to maintain in the face of Parliament that there ought to be one set of laws subjecting clergymen to penalties if they did perform these marriages, and another set exposing them to penalties if they did not. Then came the singular and unstatesmanlike proposition, that each particular clergyman should be left to decide whether he would or would not perform these marriages; but the absurdity of any such legislation had been exposed in that House, and was not again proposed. Now the noble Earl came with a new proposition. He now proposed to leave the clergy of the Established Church of England and Scotland under the existing ecclesiastical law. The ecclesiastical law declared that these unions were contrary to the Word of God, and that parties contracting these marriages were living in a state of incestuous concubinage. This was the view of the Church of England and the Established Kirk of Scotland. That it was the view of the Church of England there could be no doubt. The table of affinity declared that this particular union was against the Word of God; the services of the Church of England declared, that any marriage against God's law was no marriage at all; and in the Ecclesiastical Courts of England the present Bill would be no defence under the canon law to a suit instituted to declare such a marriage to be incestuous concubinage, and the children to be illegitimate. The noble Earl's statute would declare marriage of this kind to be statutable and lawful, while he would leave unrepealed the whole ecclesiastical law, the canons, the rubric, the services, and everything that declared these marriages to be against God's law and incestuous concubinage. Let it not be thought that this was a mere matter of opinion, and could not come into practical effect—if the law were left in the state proposed by the noble Earl it would introduce confusion, bitterness, and trouble in every parish in the kingdom. How, for example, were the clergy to treat such of their parishioners as had contracted these marriages? Were they to treat them as living in the unity of the Church, and as entitled to participate in the rites of the Church, while the laws of the Church declared that they were not so entitled? Suppose the burial of a person who had contracted such a marriage. The clergyman, if he were faithful to his obligations, would be bound to refuse the rite of burial to this person, and yet by the law of the land this marriage would have been declared good and valid. Take the case of a suit for the restitution of conjugal rights. That suit was instituted upon the supposition that the parties were legally married, and that no sufficient ground could be asserted for their living apart. But, suppose two persons who had contracted one of these marriages had parted in consequence of some disagreement, and that one of them desired the restitution of conjugal rights—would it be pretended that such a suit could be instituted in the Ecclesiastical Courts, when the Ecclesiastical Courts could not admit the marriage to be lawful, although the law of the land might? By the law of the Church of England, the clergyman who knowingly performed such a marriage was liable to the severest censures of the Church. This Bill did not enable a clergyman to marry these parties, and he was still liable to penalties if he did so. But suppose this self-same clergyman himself contracted one of these marriages before the civil magistrate, he was then liable to no penalty whatever. Would their Lordships put their clergy in such a false position? If the noble Earl had made good his religious argument—which he (the Bishop of Oxford) could not admit—he ought to bring in a Bill that would entirely sever from the whole religious tenets of all religious bodies the whole subject of marriage; but he ought not to interfere on one point alone, and leave one law to say that these marriages were contrary to the Word of God and another that they were not, and that parties might contract them. Their Lordships had heard something of the clergy and laity forming together the Church. He had always maintained that the clergy were only the ministers of the Church, and whoever used that argument ought to be the last man to bring forward a proposition to leave the Church under one set of laws and regulations and the laity under another. He hoped their Lordships would reject, by a great majority, a Bill that would place the clergy and laity of the Church of England and Ireland in an altogether false, and, he would say, an impossible position. But while he put forward these arguments as ground sufficient to destroy the Bill, he by no means intended to give up the argument that these marriages were against the law of God—a point which the noble Earl thought he had so triumphantly assailed. He admitted it was not very easy to decide, if they threw authority aside, whether the Word of God condemned these marriages. Believing, as he did, that that which the Church of England declared to be God's law was God's law, he felt bound to say something on the religious argument. The noble Earl took two inconsistent views—he said, first, that the chapter of Leviticus was not binding on Christians; and, secondly, that the chapter in question did not prohibit these marriages. That it was not binding upon Christians because it was enjoined upon the Jews he would admit—so far as that was a municipal and ceremonial law it was not binding upon any but the Jews—but he (the Bishop of Oxford) contended, that wherever it was capable of proof that the Jewish law was the exposition of God's will to man, it was just as binding on Christians as on the Jewish people. The 18th chapter of Leviticus began with an awful caution to the Jews against doing as the inhabitants of the land had done before them. The verse ran, "For all these abominations have the men of the land done which were before you, and the land is defiled." If this were a ceremonial law imposed upon the Jews, it would have no validity before it was enjoined, for a statute had no obligation until it was enacted. If this were one of the municipal or statute laws of the Jewish people, it could have no sort of obligation upon the people who possessed the land before them. The breach of that statute was, therefore, no abomination, and the adoption of the practices denounced had inflicted upon the land no defilement. We had, therefore, God's own warning to us that the restriction against these marriages rested upon rules which God had laid down for man, as his creature, as an eternal obligation, and not on the particular enactments of a particular law for the regulation of the Jewish polity. The noble Earl quoted Sir William Jones to show that a certain passage in Leviticus did not refer to marriage, but to concubinage. The whole of that chapter related, indeed, to what God did not treat as a sacred thing like marriage; although those who contracted such intimacies might have regarded them in that favourable light. The language used in speaking of them was not such as God generally applied to marriage; and, in fact, that was the strong argument of those who opposed the noble Earl's views. These unions could never be marriages; they were incestuous concubinage, and even under the elder Law they were nowhere dignified by the terms of respect used towards the holy relationship of matrimony. Yet, if the opinion of one man, however eminent as an Oriental scholar, was to be adduced as an authority that ought to settle their Lordships' judgment, why should not an appeal be made to the consenting voice of the Christian Church through all its purest ages? The question was, whether the particular prohibition now in dispute fairly came within the category of restrictions on marriage imposed by God on all who would submit to his will. The chapter in Leviticus contained no direct prohibition to an uncle against marrying his own niece in blood. This proved that we must have regard to the principle on which these prohibitions rested. It must be borne in mind that all these prohibitions in restraint of marriage were viewed from the side of the man, and not from the side of the woman, those relating to the woman being given merely incidentally, and sometimes entirely omitted. Hence, where there was no direct rule as to the woman, it was necessary, in determining the principles which Holy Writ laid down upon the question, to argue by analogy, and by putting the converse case in the instance of women, to arrive at the just and necessary law. This was no strained mode of construction—it was the necessary result of the enactments of the Bible—and it followed, he might say, of necessity, that where the marriage of a man with a woman related to him in a certain degree was prohibited, the marriage of a woman with a man related in the like degree was prohibited also. Thus, whereas a son was forbidden, in express terms, to marry his mother, from that universal Christendom had taken the liberty to argue conversely that a mother might not marry her son; and then, again, that a father might not marry his daughter.

LORD CAMPBELL: That is the way in which a civil Judge would construe a statute.

THE BISHOP OF OXFORD: Precisely so; as a nephew might not marry his aunt, or, *vice versâ*, so by a parity of reasoning neither might an uncle marry his niece. A woman was forbidden to marry two brothers, and, by analogy of argument, a man was not at liberty to marry two sisters. It was evident, then, that the prohibition now under discussion extended not to the Jews only, but to every Christian community. The consideration of this fact disposed of a vast number of the arguments which the noble Earl had drawn from the texts of the Old Testament. Turning to the New Testament, two cases were to be found there relating to this subject, though only one had been referred to by the noble Earl. One was that of Herod marrying Herodias, his brother's wife, and the plain and commonly accepted interpretation of the passage in Josephus was, that this woman had left her husband during his lifetime, and no more. It did not show that he was alive at the time when Herod took her. The other case, which was not referred to by the noble Earl, was this: We found by the 1st Epistle of St. Paul to the Corinthians, a lay member of the Church was expelled for marrying his father's wife; and there was a strong presumption, from the incidental evidence contained in the narrative, that the man's father was not alive when the circumstance occurred. This, therefore, was a case of affinity and not of consanguinity. The two instances cited from the New Testament warranted the same conclusion—namely, that God had allowed it to stand written by his own finger that not only were those marriages to be condemned which were forbidden by the laws of consanguinity, but those also which violated in the manner now contemplated the laws of affinity. He protested, however, against the idea that it was the duty of a Christian man to draw his rules of faith from such minute and critical examinations of particular texts, instead of drawing the light to guide him from the just and beneficent spirit of Holy Writ. The educated eye, looking at God's dealings with his ancient people, would not fail to perceive that He had raised them from a horde of slaves to a nation of freemen, not by allowing them unbridled licence, but rather by subjecting them to certain laws and restrictions which chastened their passions, elevated their thoughts, and refined their sentiments. He knew it had been said that restrictions were bad, and that where any restraint was necessary, good and sufficient ground ought to be made out for it. He viewed the matter in a different spirit. Such laws and restrictions were not irksome—were not a grievance. They contained no principle of evil, but, on the contrary, the germ of some choice and heavenly blessing. This was a salutary doctrine, and one which they would do well to apply to the matter in hand. God's legislation for his favourite people began by restraining that freedom of marriage which was enjoyed by the heathen around them. The obvious inference from such a fact was, that such restraints, so far from being invasions of rational liberty, were intended as blessings and instruments of grace for those whom God intended to raise to the highest state of favour and civilisation. It was not for man to resist this Divine policy, nor out of spurious kindness for a few to inflict a deep injury on the many. In regulating the mysterious attraction between the sexes, the law of God had, from the very beginning of our race, imposed restrictions on the licence of marriage unions, from which had flowed some of the choicest blessings which man was permitted to know. There were from the earliest times certain circles of relationships to restrain marriage within which was not an unkind denial to a man of that which was for his greater happiness; it was rather a blessed ordinance, calculated to create holier ties for him, and to surround him with an atmosphere of greater purity. This was the high and true principle on which to interpret the Holy Scriptures; and the New Testament, thus interpreted, condemned as unlawful, according to the will of God, the marriages which this Bill sought to make lawful according to that of man. Certain it was that there was some limit within which the ties of marriage ought to be restricted. How, then, was that limit to be decided upon? He thought he should carry with him the assent of their Lordships, when he said that if a line was to be found laid down in God's Word, it was not for human legislators to say that some other limit ought to be adopted. He could not but take this opportunity of expressing the deep admiration he felt for the labour and research which the noble Earl had expended upon this subject. He had not contented himself with presenting to the House arguments at secondhand, but had himself in the dusty records of the British Museum sought out the authorities bearing on this subject. But he (the Bishop of Oxford) viewed the result of these researches as but of little weight when contrasted with the long and uniform current of authority arising from the constant practice of the Christian Church in its early and purest ages. In those ages there had not occurred an instance of a dispensation granted in the case of a marriage of the kind under consideration. The united judgment of the Church of Christ, in its best and purest ages, was against these alliances. The attempt to establish a parallel between them and the marriage of first-cousins could not be sustained. During the first four or five centuries of the Christian Church there was no prohibition on the marriage of first-cousins. It came in after the time of St. Augustin, whereas the prohibition of marriage with a deceased wife's sister was of much earlier date, and therefore stood on a different footing. The Western Church never permitted a dispensation in favour of the kind of marriage now advocated until the time when Alexander VI.—Borgia, that basest and worst of men, who was himself guilty of incest and every abomination—granted such a dispensation to Emanuel, King of Portugal, on the ground that for reasons of state policy it was desirable that the privilege should be accorded to that crowned head. The noble Earl appeared sometimes to quote the decisions of the later periods of the Roman Church with apparent approval. He (the Bishop of Oxford), however, cared very little about what the Church of Rome had done in matters of dispensation, because, when driven into a corner, there was not any decision which that wily and astute Court thought expedient which it would not justify upon some construction which it would place upon the Word of God. There was a certain great casuist in the Church of Rome, Liguori by name, whose teaching in the matter of dispensation had been declared by the Pope to be the true doctrine of the Church; and he laid down this rule with regard to the dispensing power, "*Papa non potest dispensare in lege Dei,*" but he added this qualification, "*sine justâ causâ,*" and, to make this rule more complete, he went on to say, "*nec episcopus in lege ecclesiæ.*" So that the dispensing power of the Pope was the same with regard to the law of God as that of the bishop with regard to the law of the Church—that was, it could not be exercised except on sufficient cause being shown, the sufficient cause generally being the necessities of sovereign princes. It was, then, to the earlier traditions of the Church that the House could alone look with confidence; and those traditions were conclusive against the validity of these marriages. There was the unbroken tradition of the whole of the Western Church down to the sixteenth century exhibiting these marriages as illegal; the unbroken tradition of the Eastern Church and of the Russian Church was the same, and the tradition of the Anglican Church from the time of the Reformation, when she returned to the primitive teaching, also declared these marriages contrary to the law of God. Passing from the religious, and coming to the social arguments which the noble Earl had brought forward, he must in candour state that, to his mind, the latter were singularly infelicitous. The noble Earl said that the only answer which he could get from those educated married women who objected to this measure was, that it was a "horrid Bill," but that why it was "horrid," they seemed to be at a loss to say. There were many reasons why an educated woman should shrink from declaring to a man the grounds upon which she based her views upon this subject. But he went further, and should not hesitate to say that this question was one which their Lordships might better trust to the Christian instincts of educated women, than to the most subtle arguments of learned casuists. The noble Earl had not correctly described the character and object of the Bill introduced by Lord Lyndhurst. Before it was passed the mode of declaring these marriages void was uncertain and tedious, and afforded many opportunities for evasion; and its object, while relieving those persons who had theretofore contracted such marriages from the legal evils attached to them, was to declare them absolutely void *ab initio*, instead of merely voidable as they had been before. He (the Bishop of Oxford) contended that the cases which it was proposed to accommodate by this Bill were not so frequent among the poor as they were among the more easy and self-indulgent classes of society; and, therefore, the assertion that this was a poor man's question, was only a clever piece of rhetoric, and entirely devoid of truth. There were far more numerous instances of persons living in improper connection together who were not in the relation of a man and his late wife's sister, than of persons who stood in that relation to each other living together without marriage; so that the argument that the proposed change in the law would prevent immorality was without foundation. To continue, therefore, to agitate this question, was to do the greatest unkindness to the unhappy persons whom it sought to benefit and to society at large. In the first place, by holding out that this licence might be conceded, a direct encouragement was given to such attachments, by inducing parties to break the law, in the hope of afterwards escaping the consequences by getting the law altered. It would materially lower the moral sense of the great mass of the population with regard to the sanctity of the institution of marriage. It would interfere with the happiness of a multitude of families, which depended on the shelter which the present law threw round many innocent and happy homes. He entreated their Lordships not to widen the circle of those vicious ideas, which were always too ready to occur to the imagination of fallen mankind, by allowing the possibility of such a connection to be entertained. It was said, that under the present law no young woman could go and reside with her young brother-in-law without suspicion. He denied this. It was a base slander to say that any such persons were suspected. When this question was brought forward before, he sent a set of queries to every parish in his diocess, and he ascertained that there was no desire, speaking on the whole, among the poor, to have the law altered; and, therefore, the whole argument, which went to show that this was a poor man's question, was just one of those pieces of rhetoric which were adopted and used without being based on truth. He trusted that their Lordships would reject the second reading of the Bill by such a majority as should not encourage its promoters to proceed further in this agitation. Why was there no temptation in any well-regulated mind to seek for incestuous union with those in respect to whom they stood closest in consanguinity? It was because the influence of a hallowed feeling rendered the first rise of such a thought in any well-regulated mind a matter of absolute impossibility. The danger was that, when once this question began to be agitated, the circle of those to whom these ideas would be suggested would be widened, and the fences which had hitherto protected the sanctities of family life would be broken down. Every time there occurred a doubtful division in Parliament on this question, the evil was carried to new houses and new hearths. This was not a matter in which it was lawful for any persons to be unsettling the deep, sacred foundations on which society rested; and he could not hold any one blameless who tried in this way to break down the sacred bond of domestic purity. He, therefore, ventured to beg his noble Friend to pause before he further identified himself with this unhappy attempt at legislation, and he prayed their Lordships to reject the Motion in so decided a manner as would effectually damp any expectation that Parliament would sanction such a measure. If there should be the preponderance but of one grain's weight in the mind of any one of their Lordships that these marriages were forbidden by the divine law, that doubt ought to be sufficient to induce him to lean to the side of safety. In the name of God's truth, in the name of the unity of the Church, and for the sake of the ten thousand homes of England, which stood as yet on this earth models of purity and the seat of every domestic blessing, in the name of the deep foundation of society which ought not to be lightly disturbed, he asked their Lordships, by their decision, to fence them round still more strongly against the invader, and to reject this Bill by such a majority as should leave its promoters no inducement to persist in their ill-advised agitation. The right rev. Prelate then moved as an

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THE EARL OF ALBEMARLE thought, with the right reverend Prelate, that it was incumbent upon this House to uphold the domestic purity of the country, and it was in defence of domestic purity that he advocated the amendment of the present law; for he could not without much pain reflect on the great immorality which it caused, and the hardship it inflicted, especially on those who lived by professions and trades or by the work of their hands, whilst the idle and wealthy could easily procure an immunity from its operation. There were two cases to which he could refer to show the effect of this class legislation. A Member of their Lordships' House having contracted a marriage with a virtuous and high-born lady, the sister of his deceased wife, of a family of a high religious standard, the difficulties which would result from such a marriage were afterwards perceived, and a law, the 5 & 6 *Will.* IV., c. 54, Lord Lyndhurst's Act, was passed to remedy that case. The heir had now succeeded to the family estate and honours. That law was made for the rich man. At the same time, a poor man named Ramsdale married his wife's sister, a woman of the name of Chick. At the instigation of a proctor, proceedings were taken against him in the Ecclesiastical Court, and he had to pay £1,500 or £2,000, and was sentenced to perform penance. That part of the sentence was remitted, but the marriage was annulled. He had had children by that marriage; but he went mad, left his wife, and married again. The wife married again also; and he was now, or had until very recently been, in a lunatic asylum at Hackney. Here was confusion and misery! Such was the case of the poor man, compared with that of the rich, under the present law. Well might the exemplary rector of St. Mary's, Marylebone, exclaim, "If I were a demagogue, and wished to rouse the passions of the working classes against the rich men's legislation, I would wish for no better subject than marriage with a wife's sister." The right reverend Prelate had deprecated the manner in which his noble Friend (Lord St. Germans) had spoken of the kind of objections which ladies raised to these marriages. He thought his noble Friend justified in his remarks. Ladies seemed to have some vague notion that these marriages were contrary to Scripture. The error was a natural one, and in some degree attributable to the ignorance of their spiritual advisers. At an early age, a young lady had the Book of Common Prayer put into her hands. Having been taught to see the connection of its beautiful liturgy with Holy Writ, she not unnaturally attached an authority to all she found in it, almost as great as to the contents of the Bible itself. In this spirit she stumbles on that Table of kindred and affinity for the prohibitions in which, without the shadow of an authority, the right reverend Prelate claims such an unqualified submission. The young lady is not aware that the Table which professes to point out those "who are forbidden in Scripture and our laws to marry together," contains two untruths—first, out of thirty prohibitions there are fourteen that it has no warrantry in Scripture to forbid; and secondly, one of these prohibited degrees is declared by a law which till lately, and, unless invalidated by the Lyndhurst Act, is still in force (1 *Mary*, Sess. 2, c. 1), to be conformable "to God's Holy Word." The truth is, that this Table of kindred and affinity to which such importance is attached, has no more right to be in either Prayer Book or Bible (and it is in both) than a chapter of the Koran, for Koran and Table alike "teach for doctrine the commandments of men." Now, what was the history of that Table. In the middle of the sixteenth century, Elizabeth ascended the throne with a very questionable title, and wished to obtain a greater validity for it than the Parliamentary vote which declared her the lawful Sovereign. The prohibition akin to that of a wife's sister lay in her way. Archbishop Parker drew out that Table, which is now in the Prayer Book, for that purpose. Parker had been chaplain to Elizabeth's mother, Anne Boleyn, who stood in the predicament of one who had contracted a marriage with a man whose first wife was still alive, and in face of an Act then in force, this same 1 *Mary*, Sess. 2, c. 1, which declared that first marriage "lawful, and according to God's Holy Word." It is quite clear that Parker acted under constraint; that the Table emanated from his own authority, which his imperious mistress compelled him to exert, and that he did so, without any consultation with his right reverend brethren; that it was published in the form of an Admonition, and was avowedly only of a temporary nature, until the subject should be considered in Convocation. That Convocation, Parker never summoned. As a Protestant archbishop it was his duty, if he believed marriages with a wife's sister to be incestuous, to denounce them. So far from doing so, he declared that such marriages should on no account be set aside, "*nec dissoluto quocunque modo conjugio.*" Further, so anxious was the author of the Table to neutralize his own authority in this matter, that authority which the right reverend Prelate (the Bishop of Oxford) so wishes to extend, that on the margin of the Table, in his own handwriting, he has given the names of five eminent divines, three Protestant and two Roman Catholic, who held these marriages to be lawful, who "*concedunt uni duas sorores ducere.*"

In 1571 appeared a canon, prohibiting marriages with a wife's sister, for which it is difficult to account. In 1558, Philip of Spain, who had sent the Duke of Feria to condole with his wife, Mary, in her last illness, commissioned that ambassador, on his wife's death, to make proposals to her sister, Elizabeth, and offered to obtain a dispensation from the Pope. The new Queen declined. Philip married Isabella of Valois four months afterwards, and in 1569 was again a widower. In 1571, the Duke of Anjou came to England, the acknowledged lover of Elizabeth. It is possible that Elizabeth may have tried to appease Philip, to whom this proposed alliance was known to be very distasteful, by showing how strongly opposed the feeling of England was to a marriage with a wife's sister. Be that as it may, in 1571 appeared the following canon:—

> "Omnia matrimonia, quæ uspiam contracta sunt inter gradus cognationis aut affinitatis, prohibitos in xviii. Levitici, auctoritate episcopi dissolventur, MAXIME VERO, si quis, priore uxore demortua, ejus sororem uxorem duxerit: hic enim gradus communi doctorum virorum consensu et judicio putatur in Levitico prohiberi."

So that, according to the *maxime vero* of this canon, marriage with a grandmother or a mother would be a more venial offence than one with a wife's sister—sufficient to show the *animus* in which such canons were enacted in that age. Archbishop Parker's Tables remained unconfirmed during the whole of Elizabeth's reign, and it was not till 1603, the reign of James I., that the "Table of kindred and affinity" was embodied in what is called the ninety-ninth canon. He (Lord Albemarle) had listened with much anxiety to hear from the right reverend Prelate on what grounds he claimed such a blind submission to the ninety-ninth canon, and to the "Table of kindred and affinity" on which it was founded; but he listened in vain; and he asked the right reverend Bench, what validity had this canon for the laity of England? Blackstone, on the high authority of Chief Justice Hale, said,—

> "They (the canons) bind not the subjects of England because their materials were collected by Popes and Emperors. The legislation of England doth not, nor ever did, recognise any foreign Power as equal or superior to it in the kingdom, as having the right to give the law to any the meanest of its subjects."

Hallam also declared these canons unconstitutional, and such as ought not to be imposed upon the subjects of this realm. Would his noble Friend the Chief Justice (who at this moment entered the House) tell him that the canons of England had any binding authority upon laymen without the authority of Parliament? If he did, he would quote Lord Hardwicke's opinion to the contrary. The right rev. Prelate had spoken of domestic purity, but that was much more affected by the law as it stood. He would read to their Lordships a letter upon this subject, addressed by a gentleman to a friend of his. It was as follows:—

> "April 22.
>
> "I have got Manning's pamphlet, and hope it may do good. They may legislate as they like on the subject, but I have long been satisfied that they cannot prevent these marriages. In my own parish there have been, within the last year and a half, no less than six at the registrar's office, and, in an adjacent parish, one at the church, the clergyman suspecting nothing of course, so that, in point of fact, the law is only binding upon those that are unwilling to break it. By the by, within a short distance of my own house, there are three cases of the wife's sister having been called in to look after the children, and the parties have cohabited ever since. In my own case, and in innumerable others, no doubt, the law cuts both ways; which can't be right. My sister-in-law's friends say, it is all wrong her living in the same house with me, and so won't allow it; and I don't blame them, as nothing would induce me to permit a daughter of mine to live with her brother-in-law—it is asking human nature too much. How absurd, therefore, that the only female that cares about my children or myself cannot live with me either as my sister or as my wife, and, if she takes charge of my children, I must be deprived of the pleasure of their society. Talk of social expediency! If this is not an intolerable social grievance, I don't know what is."

The advocates of the amendment of the law contend that these marriages, not being prohibited by Scripture, ought to be allowed. Their opponents, on the other hand, assert that the 18th verse of the 18th chapter of Leviticus, admits of a double interpretation, and that, in such a case, we must consult authority, that authority being the Church; and the Church having, in the apostolical canons, which date before 325, pronounced these marriages to be forbidden. That is, we have the authority of the "Church" for 1,500 years against these marriages.

Such has been the argument used by two right rev. Prelates (the Bishops of London and Exeter), and although the right rev. Prelate who has just sat down did not name these apostolical canons, yet, as he specified the 1,500 years as the time that the Christian Church had prohibited these marriages, I must assume that he also meant to appeal to these canons.

Now, although he (the Earl of Albemarle) believed that within a century or so of the time they profess to have been written, it would be impossible for any one to prove their existence; yet, he was ready to admit that they had an authority in the Eastern Church, that they never attained in the Western. In the latter they always met a sorry reception, though not worse than they deserved.

These canons were first made known to the Western Church by Dionysius Exiguus, in the year 530, or about the sixth year of the reign of Justinian, and are addressed by him to the Pope of that period. Dionysius speaks of them very doubtingly. He would not affirm them to be apostolical, as the Protestant Prelates of our own times do, but speaks of them as being called so—"Canones qui *dicuntur* apostolorum."

> "In the first place," says Dionysius, in his introductory letter addressed to the Pope of that day, "we have translated the canon called apostolical, which many (plurimi) have not yielded a ready assent to, of which I was not willing your Holiness (*Vestra Sanctitas*) should be ignorant, although certain *pontifical* constitutions seem afterwards to have been taken from these very canons."

Here, then, we Protestants of the nineteenth century, are called upon by the dignitaries of our Church to yield a ready assent to canons, which was refused to them by the Church of Rome, 1,300 years nearer to the time of the Apostles, by whom they profess to be written. Isidore, of St. Seville, declared these canons to be forged by heretics, under the name of the Apostles. Pope Gelasius (Pope from 492 to 496), in a synod of seventy bishops held at Rome, placed them in a list of apocryphal works. Fulgentius Ferrandus, an African, in 547, and Martinus Bracarensis, in 570, abstained from giving them a place in their collections. Ivo Carnotensis, Bishop of Chartres, repeated the condemnation of Gelasius, and, in 1092, prefaced the sentence with the title, "De notitiâ librorum apocryphorum qui a sanctis patribus damnati sunt æternâ damnatione." These Canons fell into oblivion till the time of the Reformation. The Centuriators of Magdeburg, a body of Protestant divines, denounced them on internal evidence as a palpable forgery, and not without reason, as their Lordships would see, if they looked to the canons themselves.

It is not necessary to refer particularly to the canons prohibitory of marriage—namely, the seventeenth, eighteenth, and nineteenth, because, it turns out, after all this parade of authority, that the restrictions referred to the clergy and not to the laity—those who marry widows, actresses, servant maids, two sisters, or a cousin being disqualified for becoming clergymen, being all placed in one and the same category. The twenty-fifth canon affords evidence of heterogeneous origin, for it says that if any Bishop, presbyter, &c., shall be guilty of certain crimes, such as theft or perjury, he is to be

> "Deposed, but not excommunicated, for the Scripture saith, 'Thou shalt not punish a man twice for the same offence.'"

And the twenty-ninth canon does punish twice for the same offence, the offence being not of the deep dye of any of those mentioned in the twenty-fifth canon, but the obtaining dignity of the priesthood by money, for, says the canon—

> "Let both him (the Bishop) and the person who ordained him, be deposed, and altogether cut off from all communion, as was Simon Magus, by *me*, Peter."

The thirtieth canon decrees deposition and excommunication to any bishop who obtains possession of a church by aid of the temporal powers, and all who communicate with him. If the canons prohibiting marriage be binding, it is to be presumed that this canon is so too; but what then becomes of the *congé d'élire*?

If these canons are not prior to the Council of Nice, which they profess to be, they must be forgeries. Now, St. Basil, the grand champion of the ancient canons, who was born four years later than the Council of Nice, says, writing in the middle of the fourth century, *de spiritu sancto, c. 27,* "whence have we derived the custom of baptising with three immersions?" If St. Basil had known of the existence of these pretended apostolic canons, he would have found in the fiftieth canon, that deposition would have been the fate of any bishop or presbyter who did not perform the one initiation with three immersions. In the sixty-fifth canon it is decreed that if any clergyman shall strike any one in a contest and kill him with one blow, he is to be deposed for his violence. If a layman do so, he is to be excommunicated. Here we see the "apostolical" ideas of punishment due for manslaughter by a clergyman and a layman. The next canon attaches the same punishments and the same degrees of punishments for fasting on the Lord's Day or any Saturday. From which of the apostles he (the Earl of Albemarle) would ask is this taken, or in what part of their acknowledged writings do we discover the principles which sanction it—fasting and murder in the same category. The eighty-ninth canon deposes a bishop or presbyter who gives himself to the management of public affairs, as no man can serve two masters. This canon has an apostolical sound; but how is it reconcilable with a seat in this House or on the magistrate's bench?

The last canon declares on apostolical authority what books of the Bible are orthodox. In this number the Book of Revelation and one epistle of Jude are not to be found, but in the list are

> "Two epistles of Clemens, and the constitutions of me, Clemens, addressed to you Bishops in eight books, which are not to be published to all on account of the mystical things in them. And the Acts of us the Apostles."

Now he (Lord Albemarle) thought he had quoted enough of these canons to justify him in considering them as in no way binding upon the laity of England, whatever authority the clergy might be pleased to assign to them. It would ill become him—a plain soldier—to enter the lists of polemical controversy with the erudite theologians of the church militant, and he would much rather depute a champion to act in his behalf in such a tilt; such a champion was the book he now held, and he ventured to tell the right rev. Bench that there was not a single argument used by them against this Bill which was not satisfactorily confuted by it. It was published by Mr. Fry, not in 1856 to meet the arguments of right rev. Prelates, but in 1756, and he could not remember any argument from the right rev. Bench that had not been answered by anticipation, and long before these discussions on measures like the present originated. The right rev. Prelates would there find—

"That the phrase in which the law is expressed (in Leviticus xviii.) is never once used in Scripture for marriage, but rather for a breach of it.

"That the Israelites were severely reproved for debauching their near kindred, but never for marrying any of them.

"That St. Paul reproved the Corinthians on account of one of them having taken his father's wife; and John the Baptist likewise Herod, for having his brother's wife. But, that neither of these instances are to the purpose; for the Corinthian's crime was not the marrying his father's widow, nor Herod's the marrying his brother's wife, but adulterously living with them; the father of the one, and the brother of the other, being living and receiving wrong by it.

"That the Israelites were severely reproved for marrying strangers; but that there is not one instance in the whole Bible of any blamed for marrying their kindred.

"That this practice continued to the time of our Saviour; but that neither He nor the Apostles ever blamed any for marrying such."

The arguments by which Fry supported these positions, appeared to him (Lord Albemarle), unanswerable, and with this conviction of their soundness, and for the reasons he had already stated, he should cordially support the Bill in the amended shape in which his noble Friend had introduced it.

VISCOUNT DUNGANNON looked upon this question as entirely a social and domestic one. He should be deeply concerned were anything done which would tend to weaken or disturb the social interests of the community, and he believed that nothing could be more calculated to produce pernicious consequences than the Bill now before the House. He most sincerely joined in the expression of opinion of the right rev. Prelate, and trusted that their Lordships would reject this measure by such a majority as would prevent the probability of its ever being again brought under their consideration.

LORD RAVENSWORTH said, that on

all former occasions when this proposal was under discussion he had given it his support, and he had heard no reason alleged why he should do otherwise now. He did not at all share the apprehensions of the noble Lord (Viscount Dungannon) when he said that this measure would seriously affect the social interests of society, and when the noble Lord alleged the social interests of the community as the ground of his opposition, he (Lord Ravensworth) thought that a case of social hardship should have been alleged in support of that argument. Now, he (Lord Ravensworth) was himself cognisant of a case in which the prohibition which it was the purpose of this Bill to remove was productive of great hardship—that of a gentleman in a highly respectable position of life, who, though most anxious to marry the sister of his deceased wife, would not even permit himself to enjoy the pleasure of her society, lest it should be thought that he contemplated a violation of the laws of his country. The attachment between the parties was mutual; it was founded on esteem, had grown up in the chamber of affliction, and rested on the purest and most honourable principles; yet the law forbade that it should receive the sacred sanction of the marriage rite, and thus an honourable and high-minded man was deprived of a good and loving wife, and his children of the tender solicitude of a kind and devoted woman, their nearest relative since their mother's death. He contended that this was really a social grievance, and he thought, therefore, it was right to make their Lordships acquainted with it. These parties did live apart in obedience to the law, and they suffered in consequence. In how many hundreds and in how many thousands of instances were the humbler classes induced to resort to immorality in order to evade the existing law? He knew this was the case, as he had been much brought into contact with the humbler classes. It had been asserted in that House, and in other places, that to permit a relaxation of the law was contrary to the law of God. If this assertion be true, *cadit quœstio*, he would say, woe betide that Legislature and that legislation which attempted to establish any law that was contrary to the law of God. He had carefully consulted the Sacred Book, with the view of informing his mind on the subject, and without relying on any doubtful interpretation or passage, he would say if he could bring his mind to believe that this prohibition was warranted by the Divine Word, he was the very last man to support a measure which should have the effect of relaxing it; but believing that it was in no degree warranted by the Word of God, and knowing also how frequently injurious to the interests of society was the prohibition of the canonical law on this subject, he should vote for the second reading of the Bill.

LORD CAMPBELL said, he deeply regretted the noble Lord had not been present to hear the very argumentative and eloquent speech of the right rev. Prelate who spoke second in the debate (the Bishop of Oxford); he might have been a convert, and perhaps not the only convert, to that able speech. The opinion which he (Lord Campbell) expressed on this subject in the debate of 1851 remained unchanged; and he must say now of the alteration proposed by the present Bill that it was contrary to the law of God, and that, socially, it would be most mischievous. He had listened to the speech of the noble Mover of this Bill with admiration of the industry which he displayed; but, while he did justice to the motives with which he had introduced the measure, he thought that noble Lord would have done better not to have renewed the agitation of this question. Their Lordships, on the last occasion, rejected the Bill by a large majority; but the noble Lord said there had been a change in public opinion since that time. He (Lord Campbell) believed there had; that public opinion was altogether unfavourable to the Bill, and that it was growing daily in strength. As a proof of this, in the year 1849 the House of Commons passed this Bill by a large majority, while in 1855 it only received its second reading by a narrow majority of seven, while at every subsequent state its supporters became fewer and fewer, until the promoters of the Bill were compelled to withdraw it. There was, no doubt, that by the Act the 32 *Hen.* VIII. these proposed unions were declared unlawful, and had remained so up to this time; and to disturb that which had been the law for three centuries was rather gratuitous. In the case of the Queen *v.* Chadwick, the question was most solemnly argued before the Court of Queen's Bench, and it was adjudged that such a marriage was unlawful and void. That case had settled the point ever since, and he was rather astonished at the noble

Lord setting up his opinion against that of all the Judges of the Queen's Bench. He did not mean to enter upon the merits of the general question, but only to make some observations upon this particular Bill, which seemed to him to be more objectionable than any that had preceded it. In the first place, it was not confined to the marriage of a widower with his deceased wife's sister, but extended to marriage with her niece. Why should it go so far? And, if it went so far, why did it not go further? Would this Bill end the agitation? No, another Member of this or the other House might bring in another Bill, and we should have another change in the law. The principle of this Bill ought to extend it to the case of the uncle and niece also, and to other similar cases. Indeed, if this Bill passed, our notions of what was lawful and unlawful would be confused. Another objection to this Bill was, that it did not extend to the whole of the United Kingdom. The noble Mover well knew that the people of Scotland regarded such marriages with universal abhorrence. Yet it was proposed to make a marriage lawful in England which was unlawful in Scotland, notwithstanding that they had been deprecating only the other night the discrepancy of the law of the two countries on the subject of marriage. Next, the Bill declared all marriages of this kind previously contracted to be legal; now he (Lord Campbell) thought that nothing could be worse than to give such a sanction to the acts of persons who had violated the law. Besides, supposing two persons in the stated degree of relationship had married, and, from dislike or from a returning sense of religion and morality, had separated and married again, then which marriage was to be legal under the Bill? An impression prevailed that those marriages, if contracted abroad, were legal; but this was not so, as the parties, as English subjects, carried about with them, wherever they went, a personal disability to contract marriage of this kind. The noble and learned Lord concluded by expressing a hope that their Lordships would not be induced to make the change in the law to which the noble Earl had invited their attention.

THE BISHOP OF CASHEL said, he rose to express his decided opposition to this Bill, and in so doing took his stand on the Word of God, which the Articles of the Church declared to contain all things necessary to salvation, so as to be the rule both of faith and practice. If the Word of God did not impose the restriction which the noble Earl desired to remove, let it not be continued; but if the Word of God made the restriction, it was their duty, without reference to arguments of social good or evil, to adhere to it. Now to his mind the law as laid down in Scripture was clear and conclusive against such connections as it was contemplated by this Bill to sanction; and on this principle, and on this principle alone, he should vote against it. In respect to the laws in the 18th chapter of Leviticus, he would observe that they were not merely for the Jews, but for man generally, for they were moral in their nature, and not simply ceremonial. They were to keep them from doing after the doings of the land of Canaan. He believed that it would be admitted, that throughout Scripture what was said of man had also the same force with regard to woman. When it was said that a man might not marry his father's wife it was equally intended to lay down that a woman might not marry her mother's husband—all would assent to this. In like manner when it was said that a man might not marry his brother's wife, they were to understand that a woman might not marry her sister's husband. If that were so, then, of course, the man could not marry his wife's sister. He should vote against the Bill, believing that it was in opposition to the Word of God, which so plainly prohibited marriage within the degree of affinity which the Bill desired to sanction.

THE BISHOP OF ST. DAVIDS said, he had reason to believe that the authority of the office he had the honour to fill had been pressed into the service of the cause supported by the noble Earl, much against his (the Bishop of St. David's) own intention and judgment. There was an impression that he agreed with the noble Earl upon a very essential point; but he wished to state that the extent of that agreement had been most prodigiously overrated, and he was sorry to be obliged to add, that the divergency between the views of the noble Earl and his own had been very greatly increased by what had to-night fallen from the noble Earl. He had great pleasure in feeling that there was no material part of the question with respect to which he did not substantially agree with the great majority of his right rev. Brethren. In one sense he was not sorry that this question had been revived, because he trusted that the rejection of the measure would be carried by so large a majority of that House as would go far to put an end to the agitation; in another sense, however, he was sorry that the question had been renewed, on account of the preparations which he knew had been made to support the Bill—preparations indicated by the petitions which had been laid upon the table—and the agitation of such a subject could not but have a most injurious effect. The number of the signatures to those petitions bore a very small proportion to the mass of the people who were opposed to the Bill, but even if it were ten times greater, he should say that upon a question of this kind their Lordships ought not to count the numbers who had signed, but to weigh the reasons which were stated in the petitions. It was an undeniable fact that the prohibitions with regard to marriage contained in the Old Testament formed the basis of the law of the land on that subject. Those prohibitions, until the beginning of the Christian dispensation, were the undoubted law of the Jewish people, and they were regarded with the greatest veneration by the disciples of Him who declared that He had come not to destroy the Law, but to fulfil it. It was also notorious that the tendency of the Primitive Church was not to relax, but to increase, the stringency of such prohibitions. There could be no doubt that those prohibitions formed the basis of our present social system—the only basis which could be devised by human wisdom, unless they went back to the light of nature for the regulation of all the relations concerning this subject; and then there would be nothing to prevent men from falling into those excesses and that licence into which some of the most civilised nations of the ancient world did actually fall by sanctioning all kinds of incestuous abominations. The noble Earl had no such intention; but such was the consequence logically involved in his measure. The noble Earl proposed to touch only one restriction; but his proposition rested upon grounds which would virtually sweep away all the rest. He agreed with his right rev. Brethren in thinking that the principle and spirit of the Divine law was clearly opposed to that kind of marriage which the noble Earl proposed to sanction. The prohibitions in the 18th chapter of Leviticus were prefaced by a general statement which laid down a governing principle applicable to every case of kindred; and in the 8th verse this principle is extended to the corresponding degree of affinity. The prohibition in the 16th verse was full and express; and this, on principle, includes the case of the wife's sister; so that, if this had not been mentioned, there would have been no doubt as to the intention. But then the noble Earl maintained that this principle is countervailed by the language of the 18th verse. But the text on which the noble Earl relied was ambiguous and obscure. He said advisedly it was ambiguous, because it admitted of more than one interpretation; and although upon the whole he preferred the text of the authorised version, still the marginal note was not undeserving of attention or destitute of some degree of probability. It might be understood in that sense as meant to qualify the general licence of poligamy. The text was obscure, because it contained several words which were superfluous for the purpose that the noble Earl considered it was intended to convey, and which tended to confuse certainty as to the real meaning. For the reason assigned, "to vex her," did not apply to this more than to any other case of polygamy. If their Lordships had now to decide what part of these prohibitions were to be incorporated into the law of the land, it would be safest to take that which was clear and indisputable—to take the spirit and principle of the whole code of prohibition, and not that which was ambiguous and obscure. A petition had been presented and circulated on the part of the Protestant Dissenters in favour of this Bill, but the ground upon which they rested their objection to the existing law was just as applicable to every other prohibition in the table as it was to that which the noble Earl had selected. He could only consider this proposal as the first step in a movement the limits of which he was utterly unable to foresee. The noble Earl disclaimed any intention to carry the alteration of the law any further, but he had not disguised from himself or from their Lordships the probability, nay he might almost say the moral certainty, that some other noble Lord, bolder and more consistent, might carry out still further the principle upon which he had founded this particular measure. He could see no line of separation between the removal of this prohibition, and the infringement of the remainder of the existing law. This table inclosed that which he had always been accustomed to consider holy ground. It guarded the purest affections and holiest charities of domestic life, and neither the noble Earl nor any one else could show what portion of that ground would remain unviolated and unpolluted if that fence were once broken down. He hoped that their Lordships would earn a fresh claim to the gratitude of the country by rejecting this proposition by a still greater majority than on the former occasion, as the present measure was open to greater, to more numerous, and graver objections than the last. At all events he must express his decided protest against a Bill fraught with infinite danger to the country and to society.

EARL GREY said, he could not help reminding their Lordships that, during this long debate, no one had attempted to controvert the two important points established by his noble Friend (the Earl of St. Germans). He had listened with the utmost care to the speeches of the noble Lords and right rev. Prelates who opposed this Bill, but not one of them had ventured to say that a clear and express prohibition of these marriages in so many words was to be found in the Word of God. It had been admitted, indeed, by the right rev. Prelate who spoke first (the Bishop of Oxford) that such a passage could not be found, and that it required care and study to elicit that prohibition from the Word of God. The other Prelates had since taken the same line, and had agreed that this prohibition was matter of inference—no one had said that the prohibition was laid down in so many words. No one had ventured to deny that the view held by those who supported this measure had been taken by other persons in the Christian Church who were entitled to the greatest weight. No one ventured to deny that the permission these marriages had been advocated in our own Church by Prelates of the highest character, by a large body of the local clergy, and by Commissioners appointed by the Crown to inquire into the subject, all of whom had come to the conclusion that these marriages had not been prohibited, and that the prohibition was mischievous, instead of being advantageous. It was not denied that in every other Protestant country in Europe these marriages were not prohibited. Neither had it been denied that even in Roman Catholic countries, as well as in Russia, they were lawful in certain cases, and in the United States were not only permitted, but approved and commended as socially beneficial. Moreover, no one had shown that the people of this country were in favour of the law as it now stood—on the contrary, it was notorious that in the lower ranks of English society our prohibitory law was almost daily violated, or, worse still, made an excuse for the indulgence of concubinage. It was notorious, too, that the wealthier classes evaded the law by going to a foreign country, where such unions could be legally contracted. These facts not being denied, he would ask their Lordships, was it not an infringement of Christian liberty and a violation of the rights of conscience to impose on members of our own Church and upon the Dissenters, a restriction which they did not admit to be warranted by Scripture? The reasoning of the Lord Chief Justice, in relation to the marriage of the Duke of Sussex, did not justify the conclusion sought to be drawn from it, and it was, to say the least, extremely unfortunate that the noble and learned Lord should have extra-judicially, and without hearing the arguments of counsel, have committed himself to an expression of opinion which must detract from the weight of any legal judgment he might hereafter have to pronounce on this question in a court of law. The principle of this Bill being that the restriction on a man's marrying his deceased wife's sister ought to be relaxed, in accordance with Parliamentary usage and without pledging himself to the details of the measure, he should on these grounds vote for its second reading.

THE BISHOP OF EXETER said, he should not have thought it necessary to address the House, even after the singular honour done him by the noble Mover in answering a second time a speech of his delivered several years ago, but for some observations which had fallen from the noble Earl who had last addressed their Lordships. The noble Earl had said that there was no ground whatever for holding that these marriages were prohibited by the law of God. Now he (the Bishop of Exeter) would inform the noble Earl that it had from the earliest ages been the doctrine of the Church that they were prohibited by the law of God. The law of the State had taken up and had adopted the affirmation of the Church on the subject; and by its statutes had affirmed that such marriages were contrary to the law of God; that they were incestuous as well as invalid; and as this had been the universal case from the earliest ages, surely it was some evidence that these unions were contrary to the Divine injunction; and the opposition to their legalisation was founded on the universal voice of Christendom from primitive times. It was not correct to say that no other Protestant country in Europe forbad them, for they were as obnoxious in the Protestant Cantons of Switzerland, with the exception of Neufchatel, which was under the influence of Prussia, as they were in this country. All the Greek Church was opposed to those marriages; and the Greek Church bore witness of what was the common doctrine of Christianity before the separation of the Western and Eastern Churches. The Roman Catholic Church also held that those marriages should not be celebrated. It was said that that Church had granted dispensations permitting marriage with a deceased wife's sister; but what was the question raised at the time of Henry VIII.'s proposal for a divorce from his first wife? The point was, whether the Pope could dispense where a matter was thought to be clearly contrary to the law of God? The greatest Universities of Europe, the canons of the Church, the University of Paris, and the English Universities, almost unanimously declared that the Pope could not dispense where the matter was contrary to the law of God; that he could dispense where the case was simply one of prohibition by man, but that the prohibition then under consideration not being one by man, but by God, it could not be dispensed with. Then, as to legal authorities, in a celebrated suit in which a wife applied for a divorce against her husband, on the plea of adultery with her sister, Lord Thurlow made use of the remarkable words, that as the reasons for allowing a man to separate from his wife on the ground of adultery was that he could not live longer with her without degradation, so the wife in that case could not continue, without the like degradation, with a husband who was proved to have committed incest, and ought, therefore, to obtain the remedy for which she prayed.

After a few words from Lord CONGLETON in opposition to the Bill, and from the Earl of ELLESMERE in favour of it,

THE EARL OF ST. GERMANS replied, and observed on the inconsistency of the opponents of the Bill in founding their resistance to it on the Mosaic law, though it was notorious that the Jews who lived under that dispensation had never interpreted in the sense of prohibiting marriage with a deceased wife's sister. Among the Jews such a marriage had always been respected.

On Question, that "now" stand part of the Motion, their Lordships divided:—Content 24; Not-Content 43: Majority 19.

List of the CONTENT.

DUKES.
Beaufort
Cleveland
MARQUESSES.
Clanricarde
Huntly
EARLS.
Albemarle
Bessborough
Cottenham
Grey
Granard
Minto
St. Germans
Southampton
Zetland
VISCOUNTS.
Gage
Falkland
BARONS.
Denman
De Mauley
Glenelg
Mostyn
Ravensworth
Saye and Sele
Truro
Wenlock
Wrottesley

List of the NOT CONTENT.

Lord Chancellor
ARCHBISHOPS.
Armagh
Canterbury
DUKES.
Leeds
Montrose
MARQUESSES.
Bath
Camden
EARLS.
Bantry
Carnarvon
Clancarty
Galloway
Harewood
Kingston
Mayo
Munster
Nelson
Romney
Stradbroke
VISCOUNTS.
Dungannon
Lifford
BISHOPS.
Cashel
Chichester
Exeter
Hereford
Llandaff
St. Asaph
St. Davids
Winchester
BARONS.
Berners
Colville of Culross
Congleton
Crewe
Delamere
Dynevor
Feversham
Lifford
Lyttelton
Panmure
Redesdale
Sondes
Stafford
Tenterden
Wynford

Resolved in the *Negative;* and Bill to be read 2ª on *this day Six Months.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 25, 1856.

MINUTES.] PUBLIC BILLS.—1° Grand Juries, &c. (Ireland); Procedure and Evidence.
2° National Gallery.

THE NATIONAL GALLERY—QUESTION.

MR. WELLS said, he would beg to ask the First Lord of the Treasury whether the Government had come, or was about to come, to any decision as to the removal of the National Gallery of Pictures from Trafalgar Square to the site recently purchased at Brompton, in accordance with the recommendation of the Committee of 1854; and whether any, and if so, what, opportunity would be afforded to the House of expressing its opinion on the subject of that recommendation?

Viscount PALMERSTON said, that the matter to which the question of the hon. Member referred had engaged the earnest consideration of Her Majesty's Government, and had been the subject of investigation by a Committee of that House who sat during three or four months. The result was, that it was the opinion of a large majority of that Committee that the present site of the National Gallery was injurious to the preservation of the collection of pictures there exhibited; that it was in the middle of the town, and it was difficult, if not impossible, to preserve the pictures from injury. The recommendation of the Committee, therefore, was, that the collection of pictures should be removed to that ground at Knightsbridge now appropriated for that purpose. Her Majesty's Government intended to abide by the decision of that Committee, and to take steps for the removal of the National Gallery to that ground. For that purpose it was intended to obtain plans and estimates. Of course, until those plans and estimates were obtained, and until a decision had been come to as to the best mode in which the ground could be prepared for the purpose, no definitive steps could be taken. No arrangements could be made without coming to that House to supply the means, and the subject would therefore necessarily come under the consideration of the House.

WILLS AND ADMINISTRATIONS BILL—QUESTION.

Mr. ROBERT PHILLIMORE said, he desired to know whether it was the intention of Her Majesty's Ministers to proceed with the Wills and Administrations Bill? The reason he asked the question was because he had been led to understand that the Bill depended on the Clergy Discipline Bill, which was lately rejected by the House of Lords.

The SOLICITOR GENERAL, in reply, said that it was the intention of the Government to proceed with the Wills and Administrations Bills as soon as possible. If the Marriage and Divorce Bill, now in the House of Lords, together with the Testamentary Bill, were passed, the whole of the jurisdiction of the Ecclesiastical Courts would be swept away. There was no connection between the Church Discipline Bill and the Testamentary Bill save, probably, that inasmuch as certain offices were to be abolished, compensation would be given in the proposed Testamentary Bill, which would deal also with officers removed under the Church Discipline Bill.

POSTAL COMMUNICATION WITH DUBLIN—QUESTION.

Mr. H. HERBERT said, he would beg to ask the hon. Secretary to the Treasury whether there was any prospect of the proposed arrangements for accelerating the postal and passenger communication between London and Dublin being completed? Whether any proposals had been made to the Government by the London and North-Western and the Chester and Holyhead Railway Companies, and the city of Dublin Steam Packet Company, for such acceleration, or by the Government to the said Companies for the same purpose? Also, whether the Secretary to the Treasury would have any objection to lay on the table of the House copies of any memoranda, letters, or proposals, that might have passed between the Treasury, the Post Office, and the said Companies, on the subject of postal and passenger communication between London and Dublin, since the issuing of a Treasury Minute, dated 19th October, 1855?

Mr. WILSON replied, that up to the present time no correspondence had taken place between the Government, on the one hand, and the London and North-Western, and the Chester and Holyhead Railway Companies, and the city of Dublin Steam Packet Company on the other, with regard to the acceleration of the postal and passenger communication between London and Dublin. There were good reasons for the delay which had occurred, but he hoped the time had now arrived when the Government would be able to propose a tender to those Companies in a definite form, and when, in the course of a few weeks, the arrangements for accelerating the communication between London and Dublin would be completed.

MILITARY REWARDS—QUESTION.

On the Motion that the House at its rising do adjourn till Monday,

Mr. OWEN STANLEY said, he would take that opportunity of asking the hon.

Gentleman the Under Secretary for War whether any distinguishing mark of honour or reward was to be given to those officers and men who had been engaged in the arduous duty of the trenches, and attacks upon the works of the enemy during the siege of Sebastopol; or whether it was intended that the Crimean medal and Sebastopol clasp, which was bestowed upon all, however employed, was to be the only mark of the enduring constancy displayed by those gallant men through all the hardships and dangers of that protracted siege? Many distinguishing marks of honour and rewards had been given for the various battles that took place during the Crimean war. The Alma, Inkerman, and Balaklava clasps, the Crimean medal, and the Sebastopol clasp had been distributed with a lavish hand; but he did not complain of that, for there were reasons why the whole army actively engaged in the war should partake of the honours bestowed by the country. But he wished to ask the question of which he had given notice, because it related to a body of men who had borne the brunt and hardships of the war, day and night in the trenches, many of whom had been engaged in the attacks on the Redan, in the night attacks, and yet had received no distinctive mark for those services. To illustrate the inequality he could name one young man who was for ninety days and nights in the trenches, from October 1855 to September 1856—who was at the attack on the Redan and at the other battles, and yet had no distinctive mark; while another, who had gone out a few days before the attack, and had only been one night in the trenches, had an equal reward. The Crimean medal and Sebastopol clasp adorned the breast of each; but what had the services and hardships of the one been compared to those of the other? Some distinctive mark surely ought to be given for such services. The struggles to which he had referred, not having taken place under the eyes of the General, the names of those who had distinguished themselves in those attacks had not been given, and hence the reason they were still unrewarded.

Mr. FREDERICK PEEL said, that there could be no doubt whatever that the duty in the trenches—when the dangers and the difficulties and the privations under which it had been performed were considered—was one of the most arduous duties that a gallant army had ever been called upon to perform, and every one must gratefully acknowledge that it had been performed by our soldiers with the most generous bravery and zeal. It was, therefore, quite natural for the hon. Member to inquire whether the Government intended to confer any mark of distinction upon that portion of the army which might be called the "hardest worked" portion of the army. In reply, he (Mr. Peel) begged to state that it was intended that the Sebastopol clasp should include this among other services, its object being to reward those who had contributed to the reduction of Sebastopol. Of those who had so contributed none had done more than the officers and men engaged in the trenches. He did not think that it altered the character of that clasp that others wore it whose degree of merit was possibly of an inferior order; nor did he think that it would be possible to give any distinction the principle of which should be that all who wore it should be of precisely the same degree of merit. He could not, therefore, recommend a separate distinction for those who had done duty in the trenches, meritorious as he admitted that duty to have been.

PERMANENT STAFF OF THE MILITIA—QUESTION.

Lord CLAUD HAMILTON said, he rose to ask the Under Secretary of State for War the intentions of Government as to the constitution of the permanent staff of the militia, in the event of that force being disembodied. In asking the question, he would beg to point out what had been the conduct of the Government in reference to the militia at the close of the last war. It was not until 1829, a period of fifteen years after that time, that it was proposed to make any considerable reduction in the permanent staff of the militia, and in the allowances of officers who had served in it. He would remind the House, that two years ago, when the war commenced, men came forward with alacrity, and left their callings to join the militia, without making any stipulation as to retiring allowances. As regarded the medical men who had joined the militia, the case was especially hard, as the places they quitted for the militia were immediately filled up, and they could not recover their business. At the end of the last war, for fifteen years they were allowed considerable retiring allowances, and at the end of that fifteen years they were allowed minor allowances. He should also like to know whether, what was done in 1814, with reference to the militia, would be the model of what was now to be done?

Mr. FREDERICK PEEL said, that the question, as to how the permanent staff of the militia should be constituted, and also what gratuity should be given, were matters which at present engaged the attention of Her Majesty's Government, and as soon as a decision had been come to, the result would be communicated to the Lord Lieutenants of counties, and the colonels of the different regiments of militia, and would thus be made known to the public.

MASTERS IN THE NAVY.

Mr. LAYARD, who had given notice of a question with respect to the accuracy of a return on the subject of masters in the navy presented to the House in March last, said that he had a small grievance against the Admiralty to which he wished to direct attention. It had nothing to do with the memorable events of Wednesday last, because he had too much experience of the Admiralty to venture out to Spithead under their guidance. His grievance was the refusal of an act of justice to a meritorious branch of the public service. Last year he called attention to the case of the masters of the Royal navy, whose lives were exposed to every danger, and who were responsible for the navigation of the vessel and for everything that occurred connected with it. Notwithstanding their arduous and meritorious services, those officers had no means of being promoted until an Order in Council was issued which enabled the Admiralty to make them Lieutenants and Commanders. Since the issue of that Order in Council he (Mr. Layard) was anxious to know what had been done in the way of promoting any of those officers; and he, therefore, moved for a return upon the subject. No sooner did that return appear than he received a vast number of letters, complaining of the gross inaccuracies which it contained. Those who had most distinguished themselves had been omitted from it altogether, while the services of others, of a very high order, had only been mentioned in an indifferent manner. Mr. Ball for example—one of the most meritorious officers of this class—took the *Penelope* off the rocks under a very heavy fire; but his name, although in the despatches, did not even appear in the return. Mr. Williams, again, of the *Miranda*, was distinguished throughout the whole of the Baltic campaign; he navigated the *Miranda* in the White Sea, and when compelled by the season to leave there he went into the Black Sea, and buoyed the sea of Azof. That gentleman's services were described in the return as "operations in the White Sea." He (Mr. Layard) confessed that he was indignant, when he saw men, who had done so much for their country, disposed of in such a way. He supposed that some unfortunate clerk would be made the scapegoat for this inaccurate return; and, in fact, he had heard that a supplemental return was to be presented. If he could direct the attention of the House to the subject, and could obtain justice for the meritorious officers to whom he had referred, he should be satisfied.

Mr. BERNAL OSBORNE said, he must beg the hon. Gentleman not to forget the private explanation upon this subject which he (Mr. Osborne) had given him; because, before the hon. Gentleman had called his attention to it, a mistake had been discovered at the Admiralty; and though the hon. Gentleman had endeavoured to cut the ground from under his feet by stating that some unfortunate clerk would probably be made the scapegoat, he (Mr. Osborne) should not lay the blame upon any such person. The error had occurred through the inadvertence of a gentleman at the head of a department, who had been recently appointed, and who was so anxious to furnish the Return that he failed to compare the despatches with the Returns. That gentleman had received a very severe "jobation" before the hon. Gentleman mentioned the subject to him (Mr. Osborne); and when the hon. Gentleman said that a supplemental Return was promised, the fact was that it had been ready seven days ago, and that if anybody were to blame for its non-appearance, it was the printer. He had informed the hon. Gentleman who was so desirous of making captious criticisms on the Admiralty, privately, on his honour, that it was a mistake. The hon. Gentleman knew that—he knew it a week ago; and under the circumstances he (Mr. Osborne) could not admire the spirit which dictated such an attack as had just been made at a moment when the Admiralty was perhaps a little unpopular.

DAY OF THANKSGIVING.

Mr. BYNG said, he rose to call the attention of Her Majesty's Government to the statement made on Monday night that, while no day of thanksgiving or special form of prayer had been proposed on the restoration of peace, inasmuch as the conditions of the said peace had not as yet been formally ratified, preparations for expenditure on a large scale had been authorised by the Secretary of State for the War Department in celebration of the above mentioned event. As to the mere question whether rejoicing should or should not take place in the shape of fireworks and illuminations, upon that he did not intend to touch. There existed with regard to that subject some diversity of opinion, but as to the existence of a feeling of deep and universal gratitude that the country was spared the repetition of the horrors of war no doubt could possibly be entertained. It was a question which affected every Member of that House, and which went to the heart of every man, woman, or child throughout the whole length and breadth of the land. The deep feeling which he entertained upon the subject would, he trusted, be his authority for bringing the question before the House, for he felt it to be his duty to respectfully press upon the attention of Her Majesty's Ministers the expediency of authorising some public expression of the nation's gratitude in the shape of prayer before the contemplated public rejoicings should take place. He should not contend that an absolute necessity existed for setting aside a whole day for the purpose—although upon that point his individual opinion was very strong; but he thought that the Government should advise Her Majesty that she be graciously pleased to issue Her Order in Council, directing that some form of prayer, and it might be as simple and as short as possible, should at all events be used in our churches upon the Sunday preceding the proposed general rejoicings. Such an Order would, he believed, be heartily responded to by the members of all classes and creeds. And he might observe that in Paris, St. Petersburgh, and other continental cities, such expression of the national gratitude for the restoration of the blessings of peace had already been manifested. He trusted that we should not show ourselves to be less thankful for the return among us of those blessings.

Sir GEORGE GREY said, he very much regretted that any misapprehension should have been occasioned by an answer which he had given on a former occasion to a question which had been addressed to

Mr. Byng

him upon the subject. He had been asked the other night by an hon. Member what day it was proposed to set apart as a day of thanksgiving for the restoration of peace, and he hoped that there was nothing in the answer which he had given which implied that he did not feel as deeply as the hon. Gentleman who made the inquiry that there was ample cause for gratitude at the termination of the war. He had stated, if he remembered rightly, that there was no precedent for the appointment of a day of thanksgiving until a peace had been ratified, and that it would be premature to appoint one. It had hitherto been the uniform practice, on the restoration of peace, to adopt some means of displaying publicly the gratitude of the people of the country, and it certainly was not the intention of the Government to deviate from that practice upon the present occasion, and, in fact, his noble Friend at the head of the Government had been in communication with the Archbishop of Canterbury upon the subject. It was obvious that, if Her Majesty in Council directed a general thanksgiving, it would not take any considerable time to prepare a form of prayer for the occasion, and, indeed, the preparation of such a form of prayer might be going on without the public being aware of it; while, as regarded the display of fireworks, some time must elapse before the necessary preparations, and those preparations must be open and patent to all. He could only add that it was the intention of the Government to advise Her Majesty to appoint a day of public thanksgiving, and it was not improbable that that thanksgiving would be offered up before the display of fireworks, to which the hon. Gentleman (Mr. Byng) referred, took place.

DESPATCH OF TROOPS TO CANADA—QUESTION.

Mr. LAING said, he rose to ask for some explanation as to the intention of Her Majesty's Government of sending troops to Canada. There had been some days back an announcement in *The Times* newspaper that it was the intention of the Government to send 10,000 men to Canada, and there was an article in that paper assigning certain reasons for that line of policy; and on the same evening, in answer to a question which had been put in another place, Lord Panmure gave a different version of the matter. Lord Panmure stated that the sole intention of the Government was merely to send back to Canada those regiments and munitions of war which had been drawn from that colony under the temporary exigencies of the war, and thus to restore things to the same condition in which they were before the war broke out. Now, most assuredly, in his opinion, some further explanation was necessary, in order that the public should be fully informed as to what was intended, because it had not always been proved that the information of the War Department was better than that of the press. Taking, however, the statement of Lord Panmure to be perfectly correct, some further explanation was still necessary, because the troops were withdrawn from Canada, it was his belief, in accordance with the new system of colonial policy, and not to meet a temporary emergency. When the troops were withdrawn, it was said that the measures which had been passed, giving to the colonists power of self-government, would enable a portion of the British troops to be withdrawn from the colonies, and that our army being kept together, instead of being scattered over the world, it would obtain greater efficiency. He wished to know whether or not it was now intended to depart from that principle? and if it were intended to do so the present time, he considered, was most ill-chosen for the experiment. He could not imagine anything more mischievous, or more calculated to prevent the relations of this country with the United States becoming of a more friendly character, than anything which could be construed into a threat. The sound sense of the inhabitants of the United States was decidedly in favour of a good understanding with Great Britain; but the Americans possessed a high spirit, and were extremely susceptible; and he did not know any people in the world less likely to be coerced by a threat. The West Indian squadron had been increased, and what was the result? Why, in the American Senate £1,000,000 of money was immediately voted for an increase of naval armaments, and if troops were now sent to Canada the United States would immediately increase their military power, and so the two countries would go on in the endeavour to outrival each other at a most ruinous expense to both. There was another point to which he wished to refer. It had been reported that it was the intention of the Government to land a body of troops at Costa Rica to act against General Walker, and he wished to be informed if there was any truth in that report?

VISCOUNT PALMERSTON: I must say, Sir, I am not aware of that similarity and rivalry of official authorities to which the hon. Gentleman has referred—namely, the War Department on the one side, and the newspapers on the other. Whatever is stated by the War Department the hon. Gentleman may take to be true. What is stated in the newspapers he must judge of according to the best of his ability. All I mean to say is, the Government will not undertake the responsibility of whatever is published through channels of that kind. With regard to the alarm which the hon. Gentleman has stated to exist, founded upon these rumours, coming through those left-handed official sources to which I have referred, I really cannot understand upon what foundation any such alarm can be felt. My hon. Friend stated that he understands 10,000 men are to be sent to the British North American provinces. In the first place, that is a gross exaggeration. But I am not aware, even if that number were going, that any man in his senses could imagine that that force was intended to attempt an invasion of the United States. No man who is at all aware of the magnitude, the population, the resources, the public spirit, the warlike spirit of the United States, will seriously dream that, with a force of 10,000 men, any portion of their territories could be invaded. It is well known that when the war began, our army being on a very low peace establishment, it became necessary to resort to every possible means and to every possible quarter for the purpose of rapidly augmenting the force of our army in the East, and among other expedients resorted to was that of stripping our North American provinces of almost every regular soldier that was there. The war being fortunately ended, and the army being now at our disposal, it is our intention to send back to our North American colonies, not 10,000 men nor 6,000 men, but something approaching 4,000 men, to serve as a basis for the proper defence of the military posts there. [Mr. LAING: The troops are not going to Canada only.] My hon. Friend reminds me—but I think I can hardly be misunderstood—that these troops are going not to Canada only, but to all our wide-extended North American provinces. My hon. Friend says it was understood that these provinces were to be thrown upon their own resources for all possible means of defence. I can never believe that will be the policy of the Government. I believe it to be a very injudicious policy. It is expecting too much of a population of the description of that which inhabits our colonies in America. You may rely, no doubt, upon the loyalty, upon the attachment, upon the zeal, upon the courage of the population of those colonies; but they are all engaged in occupations of industry in developing the great natural resources of the land they inhabit, and you cannot expect such a population to devote themselves to permanent military duties. An excellent militia they will undoubtedly afford—a militia meeting during a few days in the year to seek military instruction, which, if occasion called them to defend the land of their birth, would turn out and perform military deeds with all the honour, zeal, and courage which belong to the race from which those people are descended. But it is impossible—and I am sure no military man will think it possible—that a force of that kind, so organised, so maintained, can be a sufficient defence to garrison places such as Quebec, unless there be also the foundation of a regular army on which they may rally and support themselves, and which will serve as an example to them in point of discipline and organisation. That is all Her Majesty's Government are about to do, and I really think any person who raises a cry of alarm that we are going to invade the United States, when we are only sending some 3,000 or 4,000 men to occupy the military posts of Quebec and Montreal, is creating an idle speculation, unworthy of serious consideration, and idly trifling with the feelings of the country. That which we are doing I hold to be the duty of a responsible Government to do. Having these valuable provinces, whose loyalty and attachment to this country, whose public spirit and devotion to the general interests of the empire it is impossible too highly to praise, it is the duty of a responsible Government, I maintain, not to leave those colonies without some foundation for the military support of the defensive militia which they are now occupied in forming, and which, no doubt, will do honour to them, as well as be advantageous to the mother-country. Then my hon. Friend asks whether we are going to land 10,000 men—10,000 more men, I suppose—at Costa Rica. I can assure him, if he has seen that report in any quarter whatever, it has not yet come to my ears, and he may rely upon it that it is entirely without foundation, and should it be repeated, my hon. Friend can contradict it upon my authority.

CELEBRATION OF PEACE.

Lord LOVAINE said, he had listened with the greatest possible pleasure to the speech of the hon. Member for Tavistock (Mr. Byng), which, in tone, reflected the utmost possible honour upon his religious principles, and thought that these observations deserved to be embodied in some substantive resolution of the House. He had always abstained from making Motions or raising questions which, during the progress of the war, were likely to embarrass the Government, because he considered them entitled to every possible assistance. The war was now brought to a conclusion, and peace was obtained; but it was, undoubtedly, not the peace desired by the people of this country. Indeed, the manner in which the noble Lord at the head of the Government had announced it to that House, as well as the mode in which it had been communicated to the Members of the other branch of the Legislature, was a recognition of its advent so slight that it would appear to find but little favour even with Her Majesty's Ministers themselves. The Government, however, had since begun to think better of it, and were about to enter upon its celebration by a large display of fireworks. Now that, in his opinion, was a very singular way of spending the public money, and hitherto no information had been afforded as to the amount of the expense or the department responsible for it. It was treated simply as a matter in the hands of the Government, but he trusted, if his motion had no other effect, it would secure recognition of the fact that the finances of the country were not to be thus dealt with. He had thought it more respectful to the hon. Gentleman who first called attention to the subject, that the Motion should be as nearly as possible in his own terms, and he would therefore beg to move, as an Amendment upon the Motion for adjournment—

> "That, considering no day of thanksgiving has been proposed for the restoration of peace, on the ground that the Treaty has not yet been ratified, the conduct of her Majesty's Government in authorising preparations and expenditure on a large scale to celebrate the cessation of hostilities, without the previous sanction of Parliament, is a course which the House cannot approve."

Mr. SPEAKER said, that the Amendment of the noble Lord was quite irregular. On the question that the House should adjourn to Monday, hon. Members had a right to speak on any question they pleased; but the only Amendment which could be moved was, that the House should adjourn to some other day than Monday.

Lord LOVAINE said, that under those circumstances, he would give notice that he would move his Amendment as a substantive Motion on Monday next.

The Marquess of BLANDFORD said, he could not allow this subject to drop without saying that he thought the noble Lord had expressed the feelings of many Members of that House in a manner which was exceedingly well suited to the occasion. In his (Lord Blandford's) opinion, our thanks were due to the Disposer of events, not only on account of the restoration of peace, but also for the signal mercies which had accompanied the British army through the whole course of the expedition to the Crimea. Instances of such mercies were particularly to be found in the battle of Inkerman and the attack upon Sebastopol. Those events, together with others which had occurred in the course of the campaign, were such as to call for an earnest expression of thankfulness on the part of the nation, and the Government would stand higher in the national estimation if it took the initiative in regard to the appointment of such a thanksgiving.

THE NAVAL REVIEW—QUESTION.

Mr. LINDSAY said, that in order to give the First Lord of the Admiralty an opportunity of explaining the cause of the gross mismanagement which had been exhibited in connection with the accommodation provided for both Houses of Parliament to visit the review on Wednesday last, he should ask him whether the *Transit*, which had been placed at the disposal of the other House of Parliament on Wednesday last, was the same vessel which broke down on going into Plymouth, broke down again on leaving that port and ran into Brest, and then went on to Gibraltar and broke down there? Perhaps the right hon. Baronet would also explain whether it was true that 700 or 800 delicate ladies had to remain on board the *Himalaya* all night without any place to sleep—almost without any place to sit down in. The Government ought to explain what had been the cause of all this gross mismanagement, and why, if they invited that and the other House of Parliament to see a review—which he (Mr. Lindsay) had previously said he believed to be a useless show—they did not make proper arrangements for their accommodation.

Sir CHARLES WOOD: I have waited, Sir, until the last moment before addressing the House on this subject, in order that I might not interfere with the question of which notice had been given, and because I thought it desirable that I should hear the charges which might be made before I proceeded to make any observation on the matter. After what had occurred in this and the other House of Parliament last evening, when I had no opportunity of replying, I was most anxious to make a statement to the House, and that statement I should have made even had not the hon. Member for Tynemouth addressed to me these questions. I hope the House, therefore, will give me its attention, because it is necessary not only for the justification of the Board of which I am a member, but also, for the satisfaction of hon. Gentlemen themselves, that I should enter, even at some length, into the details of the arrangements which were made by the Government, and I hope that I shall be able to show that on our part, at least, nothing was omitted which could conduce to the comfort of both Houses of Parliament. No persons can have been more grieved at what took place than was every Member of the Board of Admiralty and myself in particular, inasmuch as no persons had so great an interest in the general success of the splendid demonstration which we had been mainly instrumental in calling into existence. We should regret those occurrences the more if we had not taken every means in our power to cause everything connected with that review to pass off as well as possible; and I think, at all events, we have succeeded in showing that the country has good reason to be proud of that display of her naval strength which was exhibited on Wednesday. Great exertions had been made both in Her Majesty's building yards and in the private yards of those contractors who were employed to build a larger number of vessels of war than at one time it was thought could have been provided, as well as by those other contractors who had provided what was still more extraordinary, the large number of steam-engines which were required; and the Admiralty, which had been the means of exciting the contractors to these great exertions, had a pardonable feeling of pride in what had been done, and were most anxious that the country, and more particularly the two Houses of Parliament, who had placed at their disposal the means of providing the enormous fleet which was assembled at Spithead, should have the best opportunities of witnessing the result of our labours. I think, therefore, that the House will admit that we were the persons most interested in the display, and I hope I shall be able to show that, so far as depended upon us, every order was given and every precaution was taken to insure that every hon. Member and every other person who went down under the charge of the Admiralty should see it to the best advantage. I must, however, beg hon. Members to remember that there are two elements—time and tide—over which we had no command, and that with regard to the conveyance of persons from London to the port of embarkation we had but a very limited control. We did all that was in our power to provide that proper arrangements should be adopted by the railway company for the conveyance of the Members of both Houses of Parliament, but it was not for us actually to carry out those arrangements. The review, as hon. Gentlemen are aware, was originally intended to have taken place rather more than a week ago; but I found that, if the review had been then held, in consequence of the state of the tide the manœuvres must have commenced at so early a period of the day that it would have been necessary for persons who intended to witness the proceedings of the fleet to leave London soon after midnight. I represented this to Her Majesty, who was graciously pleased to sanction the postponement of the review for a week, in order that visitors from London might not be subjected to inconvenience. I went down to Portsmouth along with my right hon. and gallant Friend (Sir M. Berkeley) and we found that, in consequence of the state of the tide, the period which could be devoted to the evolutions of the fleet on the day appointed for the review would be about six hours—between eleven o'clock and five o'clock.

Before I state generally the arrangements that were made I will notice some of the complaints which, I observe, were made here and elsewhere last night with reference to those arrangements. Complaint has been made that the members of the two Houses of Parliament were embarked at Southampton and not at Portsmouth. Well, I can only say that our reason for making that arrangement was simply because we believed it would be most convenient for the two Houses. The question of time was so essential that, as the commencement of the review depended upon Her Majesty's arrival, we thought we should best consult the convenience of all parties by doing everything in our power to insure Her Majesty's embarkation at the appointed hour, and the dockyard at Gosport was reserved exclusively for Her Majesty and those attached to the Royal suite. The two ports of embarkation for the public were therefore Portsmouth and Southampton. There was every reason for believing that by far the greatest crowding and inconvenience would be experienced at Portsmouth, because a large number of naval officers, with their families, were residing in that town and its immediate neighbourhood, and there could be no doubt that they, along with numerous friends, would be most anxious to witness the spectacle. The great mass of people who took an interest in the fleet, and who were desirous to witness the review, were collected at Portsmouth, and I do not know that I can give a better test of what we believed would be the comparative numbers embarking at each port than the fact that we made arrangements for despatching twenty-three steamers for spectators from Portsmouth, and only six from Southampton. As, therefore, the large number of persons connected with the town of Portsmouth, or resident in the neighbourhood, or who might resort there from other points in order to witness the review, was certain to occasion inconvenient crowding, we thought the best course would be that visitors from London should embark at Southampton, where they were less likely to be incommoded by the pressure of crowds than would be the case at Portsmouth. Another consideration which influenced us in making this arrangement was, that the pier at which passengers embark at Portsmouth is half a mile or three quarters of a mile from the station, while at Southampton the trains discharge their passengers within 200 or 300 yards of the wharf. I have a lively recollection of the naval review which took place two years ago, and I remember on that occasion the great difficulty and confusion occurred in getting from the Sallyport or the Dockyard to the railway station, and that such inconvenience was experienced in a far less degree at Southampton than at Portsmouth, in consequence of the smaller distance at the former town between the points of arrival by railway and of embarkation. Another consideration which influenced our decision was, that the distance is less between London and Southampton than between London and Portsmouth, and we thought it fair to both Houses of Parliament to subject them to the least possible inconvenience so far as we were concerned. It was, however, as I have previously said, no part of our business to provide for the conveyance of hon. Gentlemen from the railway station to the ships' sides, and I think it will be admitted that the shorter the distance between the station and the ships' sides the less inconvenience were passengers likely to experience. At Southampton, as I have said, the railway station is within about 300 yards of the wharf, and we therefore thought that Southampton would be the most convenient point for the embarkation of the Members of both Houses of Parliament.

Colonel NORTH said, he would beg to ask the right hon. Gentleman whether they might not have been embarked at the Clarence Yard, at Portsmouth?

Sir CHARLES WOOD: Sir, the Clarence Dockyard was reserved exclusively for the use of Her Majesty and the persons who immediately accompanied her; and if that dockyard had been open to other persons, we could not have secured that accuracy of time for Her Majesty's embarkation which was absolutely essential in carrying out the proposed review, which must, as I have already stated, have taken place between the hours of eleven and five o'clock in the day time. Southampton had, for all these reasons, been selected as the port of embarkation for the Members of the two Houses of Parliament; and I must here observe, that when I informed the House on a preceding evening of that selection, I heard no objection whatever made to it. I now come to the vessels we had chosen for conveying the Members of the two Houses of Parliament. These were the *Transit* for the Members of the House of Lords, and the *Perseverance* for the Members of the House of Commons. Some alarm was expressed with reference to the latter vessel, and questions were put to me on the subject in this House, which I answered. Similar questions were subsequently asked, and I gave an answer, which has been characterised as discourteous, to an inquiry addressed to me by the hon. Member for Chester (Mr. O. Stanley). I can only say that it was far from my intention to act discourteously to my hon. Friend; but, if my answer was in any degree discourteous, I must assure my hon. Friend and the House that if they were acquainted with the vexations to which I was subjected in connection with the arrangements relating to the review they would make some allowance for me if I replied with discourtesy to a question which I had answered fully and completely on the previous day, and which was founded on reports which, I believe, were utterly groundless. I hope those Members of the House of Commons who embarked on board the *Perseverance* have had no reason to complain of the inefficiency of the vessel, or of any want of regard for their comfort. I learn from Captain Macdonald that the *Perseverance* arrived at Southampton, on her return, at half-past six o'clock, and that every Member had left the vessel at a quarter before seven. Considering the unfortunate delay which took place in the morning, I think, therefore, that time was as punctually kept with regard to the return as could have been expected. The other vessel employed was the *Transit.* My hon. Friend (Mr. Lindsay) seems to think, that because a vessel once met with an accident, no matter how well she might afterwards have been repaired, she must for the future be considered utterly inefficient for the performance of any duty. Now, I should have thought my hon. Friend must have known better than that. The accident had happened to the boilers of the *Transit* somewhere about a year ago, and since that time she has undergone complete repair. She was reported perfectly fit for service on the 25th of March last, with the single exception that one of her air-pumps was affected, but that circumstance in no way injured her boilers. The only result of it would be, that it would reduce her speed—[*Laughter*]—I am not going to conceal anything—that it would reduce her speed from eleven knots to ten knots an hour. The defect, in fact, was considered a matter of such slight importance that she was reported as about to go to the Crimea, and she would have gone had she not been required on the occasion of the review. [*A laugh.*] Hon. Members may laugh, but I take leave to inform them that she will go to the Crimea, and I have not the slightest expectation that her machinery will not be found in the most efficient order. A notion has prevailed that some of her machinery was defective on Wednesday. On hearing that this morning, I immediately sent a telegraphic message both to Captain M'Dougal, the inspector at Southampton, and to Sir George Seymour, at Portsmouth, and the answer of both was to the effect that there was no defect in her machinery of any sort or kind. What really did happen to her on Wednesday was, that her fires were let out. That, of course, was a piece of gross negligence on the part of the persons in charge of the vessel. But I hope hon. Gentlemen will see that it was one of those incidents for which it would be impossible to expect that the Board of Admiralty should have issued any order for preventing such a casualty. But it is only fair to the officer in command of the *Transit* to state what his character is. My hon. Friend the Member for North Northamptonshire (Mr. Stafford) spoke the other night in very high terms of Captain Macdonald, the commander of the *Perseverance.* I can assure the House that Captain Johnson, the commander of the *Transit,* is an officer whose character stands as high as that of any man in the navy. He is covered with medals; he served in the most distinguished manner under Sir Charles Napier in the Syrian war; he commanded a steamer for three years in the Pacific, where his good conduct was such that he not only obtained the approbation of the Admiralty, but was thanked by the British merchants in California, and by Lloyd's at home; and he was selected by a private company to command one of their large steamers, which he did during the first year of the war. He then re-entered the Queen's service, and, with his high character, was appointed to the command of the *Transit.* I firmly believe that there is no officer of a higher character in the navy, and upon that ground he was appointed to the command he now holds. When I heard this morning of what took place on Wednesday I sent an order by telegraph that an inquiry should immediately be instituted for the purpose of ascertaining the cause of so great a piece of negligence as that which allowed the fires to go out altogether, or get so low that it was impossible to raise sufficient steam. It was owing to no fault or defect in the machinery; but I admit it was a most unfortunate occurrence, although I hope hon. Gentlemen will see, as I have just said, that it was not one that could be provided for by any orders issued from the Admiralty. We certainly never thought of instructing the commander of the *Transit* to caution his engineers to be careful not to let their fires out. It had been asked why it was thought indispensably necessary to provide such large vessels for the accommodation of the two Houses of Parliament. Do hon. Gentlemen remember the circumstances under which the review took place two years ago? It was in the middle of summer; the weather was exceedingly fine and settled, and we had no great scruple in sending a large number of persons on board the different vessels without providing for foul weather. But in the present month, as hon. Gentlemen know, the weather is not settled, and we therefore thought it necessary to make provision accordingly. We provided vessels in which, if the weather should be found bad, the passengers might be accommodated on the underdecks, where they could witness the spectacle without inconvenience or discomfort. Moreover, two years ago the number of tickets issued to the House of Lords was only 150, whereas on the present occasion it was 400. The number issued to the House of Commons two years ago was 220; on the present occasion it was 450, or, in fact, any number that hon. Members might choose to apply for. Hence it was indispensably necessary to provide larger vessels than those provided on the former occasion. So much for the accommodation at Southampton, and for the *Transit* and *Perseverance.*

If the House will bear with me, I will read to them the orders given by the Admiralty, which, I think, will show that we neglected no precaution, even to the most minute detail, that could promote in any degree the comfort and convenience of hon. Gentlemen. This was the order sent to Sir George Seymour—

"April 10.

"H. M. S. *Transit* will embark the House of Peers, and the *Perseverance* the House of Commons at Southampton, at nine o'clock A. M. of the 23rd instant. Both ships to be there early on the 22nd, or on the previous day. The Commanders of these vessels are to direct the mili-

> tary stewards to provide breakfast, and also a cold collation during the day, to include sherry, beer, and soda water, for the following number of persons, and at the expense of the Admiralty:—*Transit*, 400 persons; *Perseverance*, 450. The necessary plates, &c., must be hired for the occasion. The spare spars, &c., are to be landed from these vessels to afford more space, and tables are to be on the main decks, also platforms round the ships to afford accommodation for those who will be on board. Sir George Seymour to give the necessary orders, and my Lords trust the Commanders of these vessels to give every assistance in their power to carry out the proposed arrangements in a satisfactory manner. Each vessel to carry a distinguishing flag at the fore on the 23rd instant—namely, *Transit*, white, with blue cross; *Perseverance*, blue."

On Friday, the 18th, the captain of the *Transit* wrote the following letter to Capt. Milne:—

> "H. M. S. *Transit*, Friday, April 18.
>
> "My dear Sir,—I have written to the Commander in chief that the dockyard men will have completed as on Saturday evening (to-morrow), and requesting a Southampton pilot. Wines, &c., are on board, and everything in a fair way, promising to turn out well. We have ample room on maindeck to sit down 450 at one time, and could make a few more seats in case of necessity.
>
> "Very faithfully yours,
>
> "C. R. Johnson.

There was a great complaint as to the want of tea on board. Captain Johnson adds:—"We shall have hot water for the million." But the real point upon which, in my opinion, the whole difficulty turned, was the conveyance from London to Southampton. If the conveyance had been performed as we had every reason to suppose it would be, I am convinced no inconvenience would have arisen. Of course it was not our duty to provide for that conveyance, but we communicated with the Managing Director of the railroad, and I hold in my hand a paper which he sent to us stating what he was prepared to do. Here it is:—

> "Train No. 3, with the Members of the House of Peers and House of Commons. To leave London for Southampton at 7 A.M., and to arrive about 9.15 A.M., returning from Southampton about 6.30 P.M."

We had several interviews with Mr. Scott, the Manager of the railway. Captain Milne, to whom the details of the arrangement were entrusted, saw him several times, and I myself saw him once. Captain Milne sent him a return of the number of persons who were to be conveyed by the special train two or three days before it was to start, and every possible information was given to him which could enable him to make his arrangements in the most perfect manner. So late as Tuesday morning—the morning before the review—Captain Milne saw Mr. Scott, and informed him how anxious we were that no delay should take place, or inconvenience be caused to hon. Members in their conveyance to Southampton. Mr. Scott assured Captain Milne that he need be under no apprehension whatever—he had taken every precaution in his power, all would be right, and we might depend upon the train delivering its cargo, if I may say so, at the time specified in the paper which we held in our hands. I really do not know what more we could have done to ensure the proper and comfortable conveyance of the two Houses from London to Southampton. Having thus taken precautions that hon. Gentlemen should arrive at Southampton in proper time, we next wrote to the Mayor of Southampton, begging that he would have a free passage kept from the railway station to the wharf side. Here is the memorandum on the subject:—

> "April 20, '56.
>
> "Write to the Mayor of Southampton and request that such facilities as may be in his power to grant may be made for the embarkation of Members of the House of Peers and Commons, and request that a clear passage may be made and kept from the railway station to the dock, and Captain M'Dougal has been requested to communicate with him on the subject."

I understand that it has been said that no person was authorised to superintend the embarkation of the House of Commons at Southampton. In answer to this I can only say, that Captain M'Dougall, an old and experienced officer, who has been long charged with the embarkation of troops at that port, was informed, so long ago as the 10th of April, that the Houses of Lords and Commons would embark at Southampton on the 23rd, and he was desired to make the necessary arrangements for conveying them on board. We knew perfectly well that the vessels in which the Houses were to embark must lie at a certain distance from Southampton on account of the state of the tide, and we directed Captain M'Dougal to hire vessels which could lie at the wharf side to transport the Members to the *Transit* and the *Perseverance*. He reported that he could only hire two vessels, upon which we ordered three others immediately from Portsmouth, and early on Wednesday morning he had, independently of the *Harbinger*, four steam vessels of a small draught of water, capable of conveying both the Houses and every one connected with them, in one trip, on board the larger vessels. Among those four vessels were the *Alban*, the *Widgeon*, and the *Monkey*. Captain Milne wrote the whole of these arrangements to Captain M'Dougal. Captain M'Dougal was at the Admiralty on Wednesday morning, and Captain Milne then went through the whole of the details orally with him. I saw him myself, and I told him that we depended upon him to arrange the embarkation of both Houses of Parliament. Commander Macdonald, of the *Perseverance*, was in town on Monday morning, and I saw him also, and explained everything that was to be done. I gave him one of the charts which hon. Gentlemen have seen, and I pointed out to him on the map where he was to go. Neither Captain M'Dougal nor Commander Macdonald expressed the slightest doubt of the whole arrangements being carried out, provided that the train arrived at or about the time stated by the railway officials. According to their calculation, it might take about half an hour or three quarters of an hour to put the passengers on board the large vessels. We allowed an hour, and we had a right to calculate that they would be on board the large vessels by ten o'clock. Supposing that they had been on board by half-past ten, there would have been ample time to see the whole review. When on board the large vessels they were precisely the same distance from the west end of the line as it was from Portsmouth to the west end of the line—namely, eight miles. The course which was prescribed for them was this :—They were to go to the west end of the line ; to pass between the lines to the head of it ; they were then to wait till the Queen's yacht arrived, and were to take their places as near the Queen's yacht as they conveniently could. They were then to follow the Queen's yacht till she had passed through to the pivot ships, taking a similar position ; and, returning with the Queen's yacht, they were to pass along the whole line of floating batteries and mortar boats ; and they would thus have seen everything that the Queen saw. From this statement it will be seen that they ought to have had an hour's start of the Queen's yacht. These were the orders which were given, and I really do not see in what respect the general plan could have been improved. At eleven o'clock on Monday night Captain Milne attended at the Admiralty, and looked over all the orders to see whether anything had been omitted, and he could discover nothing. To provide against the possibility of any contradictory orders being issued at Portsmouth, I myself went down at seven o'clock on Tuesday morning, and communicated the whole plan to the admiral there. Some doubt being entertained at Portsmouth as to the feasibility of the boats containing the two Houses passing between the two lines—and as I thought it essential that they should do so—I wrote down the order with my own hand, and the admiral sent it over to Captain M'Dougal at Southampton. In addition to this, I went to see that the fleet was in proper order, and the *Himalaya* having come down, I sent for Captain Priest, and, explaining the plan of the four small boats and the *Harbinger*, asked if he anticipated that there would be any difficulty in the passage from Southampton to Spithead ; and he said that under the circumstances detailed there could be none. I then wrote a private letter to Captain M'Dougal, telling him that the vessels containing the two Houses of Parliament were to pass between the two lines, but that their doing so depended upon the time of their starting, and I begged him to see that the passengers were embarked as soon as the train arrived. Those were the orders and those were the arrangements. Public orders were given to the effect that I have stated, and they were enforced by a private letter explaining them in greater detail. Most of the parties we actually saw ourselves, and we explained to them what was to be done ; and I declare now, looking back, I do not know what other order could have been issued from the Admiralty to insure the arrangements being carried out, so far as they depended upon us ; and sorry, vexed, and annoyed, as I am, that this mistake should have occurred, and that the result should have been so unsatisfactory, I really declare that I canot charge myself, or any member of the Board of Admiralty, with having omitted anything which in the way of precaution or foresight should have been done to insure the arrangements being carried out.

I may be asked, perhaps, what became of those four tenders. Upon this subject I can only state what my impression is ; and I will read an extract from a letter which I have received from a person perfectly unknown to me, which I think explains the occurrence. He states that, intending to embark in the *Himalaya*, he went down in the earliest special train from London which followed soon after the six o'clock train. He says that on the way they were delayed by what I suppose I must call an "ordinary" train. [An hon. Member: It was the "Parliamentary train."] Oh! I am told that it was the "Parliamentary" train that stopped the way. They were obliged to wait till the "Parliamentary train" could be shunted, and the consequence was that they arrived very late at the station. He goes on:—

> "I have described the train which impeded the first special train in the morning. When we were at length enabled to pass it, I presume it took its own place on the main line again, and offered the same impediment to the following special trains as it had offered in the first instance to our own. That was called the 'breaking down' of an engine. The engineer of that train simply did his duty in getting it forward how he could and as quickly as he could. When the company for the *Himalaya* arrived at Southampton it was within, perhaps, three-quarters of an hour of the time fixed for the embarkation of one or other of the Houses of Parliament. How was Captain M'Dougal to know that they would arrive at the time appointed? Upon speaking to him, which I did twice in the course of the night upon the subject, his reply was, 'The House of Peers or the Commons were expected to arrive at the time you actually reached the barricade, and I thought it only reasonable that they should have the preference of you; but when I had waited a long time and found the Legislature did not make their appearance, and with an angry crowd of gentlemen before me, I could keep the tenders idle no longer, and sent them full to different ships.' Was not that a very natural thing for the gallant officer to do under the circumstances? As to the wooden barricade, he said he had nothing to do with it. So, then, it comes to this, the gallant officer was left in perfect ignorance of everything that had occurred to delay the trains by the railway authorities, and I and others who could have enlightened him were prevented from approaching the pier by a wooden barricade, erected by the Southampton authorities, no doubt from the best motives. Had the first special train kept its time, no doubt the four tenders would have been at the disposal of the company. They would have been enabled to return in time for the succeeding trains, and everything would have been in order. I have now stated to you briefly my observations."

Now, as far as I can judge, I believe that this is the real explanation of what took place, and the unexpected delay in the arrival of the first train ocasioned all the difficulty, and the company reached the pier at Southampton about three-quarters of an hour before the time named for the arrival of the two Houses of Parliament. Captain M'Dougal declined to allow the company conveyed by that train the use of the tenders to carry them to the *Himalaya*, but after waiting a considerable time he gave way to their remonstrances, and allowed them the use of the tenders. That accounts for the absence of the tenders upon the arrival of the Members of the two Houses of Parliament. Had the special train been to its time the tenders would immediately have conveyed the company on board the *Himalaya*, and they would then have been able to return in time to receive the Members of Parliament. That, I believe, is the real explanation of what took place. Hon. Gentlemen will see that it really does all turn on the want of punctuality by the railway company in working the trains. Every arrangement that we could make was made, and up to the last moment the strongest assurances were given that there was no reason to apprehend any difficulty would arise in carrying out those arrangements. I ought to say that I assure hon. Gentlemen that nobody in this House can be more, or feels more, disappointed than myself. We were most anxious that every one should have an opportunity of witnessing the review under the most favourable circumstances; and I believe, if any fault has been committed, it has arisen from attempting to give greater accommodation to the public than ever has been before afforded on a similar occasion. We provided accommodation in one way or another for upwards of 6,000 persons in Government vessels. I am not sure that as matters have turned out it would not have been better to have allowed them to find their own way in their own steamers; but I can only say, that if anything has gone wrong we did not expect any delay, for we spared no pains to make the arrangements as perfect as possible. Perhaps we attempted more than we were justified in attempting, but we were most anxious that everything should go off as satisfactorily as possible.

CAPTAIN DUNCOMBE said, that referring to the explanation respecting the *Transit* which he (Captain Duncombe) had made on a previous night, he must remark that the information he had obtained was directly contrary to what they had just heard; for in addition to the machinery of the vessel being generally out of order, he was told that at this very moment her condensers were being repaired at Napiers'. He did not wish at all to detract from the merit of Captain Johnson, who was a most worthy officer, as, indeed, his decorations proved, and who did his duty, under the circumstances, as well as could be expected. It had, however, been stated that but for the accident to the machinery the speed of the vessel would have been twelve knots an hour. Now, he could positively assert that at no time did she move at a rate exceeding six knots an hour; and even on going out of Southampton, where the way was all clear, she did not make up by increased speed for the delay which had taken place. On her return she hardly made steerage way, as he had remarked to the helmsman, who, he supposed, took him to be a thorough green-horn, for he replied, "Why, you see, sir, she is so very long that she will hardly steer." He fully admitted that it was the desire of the Admiralty to give every possible accommodation to the Cabinet and the Members of the two Houses of Parliament; but he wished he could say the same for the railway company, whose management from the beginning to the end was of the most disgraceful description. They had wilfully misled the Members on their return, particularly the Peers, the Peeresses, and their daughters, the consequence of which was that they did not leave Southampton until eleven o'clock at night, reaching London about half-past three o'clock the following morning, when the railway authorities had not even sufficient forethought or courtesy to provide the requisite number of ordinary cabs for the conveyance of the passengers from the station to their homes, and noble Lords, learned Judges, right rev. Prelates, and their wives and daughters, had actually to walk at that unseemly hour through the streets of London to their residences.

SIR CHARLES WOOD said, that he had directed an inquiry to be made respecting the machinery of the *Transit*, and as soon as the Report was received, he would lay it before the House.

MR. NEWDEGATE said, he was quite sure that if the two Houses of Parliament had been placed in an anomalous position after having been invited to the review to attend Her Majesty, it was not from any neglect on the part of the Admiralty to ensure for them the necessary accommodation, so that they might present themselves in a seemly and decent manner. Still he must call the attention of the House to the facts which had been brought to his knowledge. It was proposed to move the Members of the two Houses of Parliament to Southampton, for the purpose of witnessing this review. In the first place, he did not think it very wise on the part of the right hon. Gentleman to separate them from the Royal *cortége*. It would have been better, if he might use a sea term, that they should have been within hail of each other all the way. That, however, was a part of the arrangement which might have been carried out, if they had not failed to get there. What he wanted to ask, however, was, whether there was no power for direction, in such a case, over railway companies whose lines communicated between the metropolis and Southampton. The South-Western had now become one of the principal lines of military communication between London and the greatest naval arsenal of the country, and he put it to the House whether it was not disgraceful to find that a number of gentlemen, about equal to a single regiment, could not be conveyed that distance within two hours of the time specified? A review of this kind was intended to impress foreigners with an idea of the power, the grandeur, and the organisation of this country, showing that, although we had consented to close the present struggle, we were prepared, if necessary, to continue the war. But all that had been marred by the absence of that communication between different departments, the effect of which was so painfully apparent in the Crimea. The Government had literally failed in reaching Portsmouth and Southampton on a pleasure trip. Did anybody, after the experience they had had, suppose that if an emergency arose which rendered it necessary to dispatch a large number of troops down that line, that great danger would not result from the want of proper organisation, seeing that the railway company had failed in conveying the Houses of Parliament with any degree of punctuality? He hoped the hon. Member for Salisbury (Mr. Chaplin) was in his place, and was also prepared to give some explanation of the conduct of the company relative to the transit of the Members of the two Houses. He wished to ask him what department of the Government he communicated with previous to making any arrangements—was it with the Admiralty? For his (Mr. Newdegate's) part, he always understood that there was a department of the Board of Trade whose special business it was to look after the conveyance of passengers by railway. [No, no!] Well, he might be mistaken, but that was his impression. At all events, the House was certainly entitled to inquire what precautions were taken by the South-Western Railway Company to ensure that the line should be clear on that day? As it was, no information whatever was received at the Waterloo station that the line was obstructed; the consequence was, that their train proceeded a short distance, then it stopped, then it went on and stopped again, and finally it came to a stand-still altogether. He thought the railway authorities must have been aware of the cause of the delay, but all the Members who were in the train knew was that they lost two hours in that short journey. What he complained of was, that there was not sufficient preparation, in the way of spare engines, at Basingstoke or other junctions, to remove obstacles out of the way, and in his opinion they were very fortunate to have escaped as well as they had. They had had a satisfactory explanation from the First Lord of the Admiralty, by which it appeared that he gave all the directions in his power; but as yet they had had no explanation from the representatives of the railway company. How was it that they undertook to convey the Members of the two Houses of Parliament to Southampton in two hours and a quarter, and instead of that consumed about four hours and a half in their conveyance? All that, however, would serve to point a moral, although it did not adorn a tale. Ought they not seriously to consider the necessity of adopting some measure which would give the Government power to secure the proper management of the line on the occasion of any military emergency? He felt the deepest mortification that, instead of this review showing foreigners that there no longer existed in our public departments those defects which so nearly proved fatal to our army before Sebastopol, it made it evident that there were not means in this country for conveying the Members of the two Houses of Parliament from London to Southampton without interruption. It exhibited only another instance of that lamentable weakness with which we were taunted throughout the world, and proved that some control of the railway company was necessary to enforce greater exactitude.

Sir WILLIAM JOLLIFFE said, that nothing was so important as to maintain an efficient communication between the first military arsenal of the kingdom and the metropolis, and he fully concurred in the remarks on that subject which had fallen from the hon. Member for North Warwickshire. He knew very well that the trite answer would be given, that in this country such matters were left to the management of private enterprise; but where a national object was to be obtained, it was surely the duty of the Government to furnish the means. Various methods had been suggested from time to time to provide the means of direct communication with Portsmouth, but hitherto the Government had shown an entire indifference to them. The hon. Member for Tavistock (Mr. Byng) had called the attention of the Government to-night to a very considerable expenditure upon fireworks, which would not be of the slightest benefit to the country. He could not say how far such a sum as £10,000 would be available in improving the railway communication between London and Portsmouth, but the subject was well worthy the attention of the Government. He had for many years endeavoured to accomplish that object, and he acknowledged himself to be an interested party. He and other landed proprietors had made considerable sacrifices both in money and time to break down a most inefficient monopoly, but nothing would induce the Government to come to their assistance. He hoped, however, that the present *contretemps* would not be without effect.

Mr. CHAPLIN said, he must beg to express the regret both of himself and colleagues in the direction of the South-Western Railway Company that any hon. Member should have suffered inconvenience by any accident, whether that accident were under their control or not. It should be remembered, however, that the whole of this traffic had to be conveyed from the Waterloo station within two hours, and that it was impossible in that time to start more than sixteen trains, besides all the ordinary local trains. It was also impossible to get a single train back to London in time to perform a second trip, and all intermediate traffic had to be accommodated by stopping trains, in addition to the special trains. The first of the sixteen trains started at five o'clock, and was an excursion train to Portsmouth. The second, at 5.15, was to accommodate the officers at Aldershot. The third, at 5.30, was an excursion train, conveying 670 passengers. The weight of that train was 167 tons, and the engine used to draw it had constantly drawn goods trains weighing 400 tons, being one of their most powerful engines. One feed-pipe, however, burst at Esher, and with the other the train was got as far as Woking. There was no telegraphic communication between Esher and Woking, and no information of the disaster could, therefore, be sent forward. At length an engine from Kingston was got to Woking, and the train was shunted to allow other trains to pass. The fourth train, at six o'clock, was a special train for passengers with tickets for Government ships. The fifth and sixth were despatched at 6.15 with Government officials. The 7th was at 6.20, a special second class. The eighth and ninth, at 6.45, conveyed the Ministers and foreign personages. It was not for him, perhaps, to complain of the patrons of the railway company, but 2,300 tickets for ships were issued to persons to go by a train at that hour. Such a number had not been contemplated, and two trains became necessary. At seven o'clock the tenth train, with the Lords and Commons, started. At 7.15 the 11th, with the directors of the South-Western and other railway companies. The Great Northern, the North-Western, the Midland, the Eastern Counties, and the South-Eastern Railway Companies, kindly lent engines and carriages to the number of 160, and the directors were, in compliment, invited to go and see the review. At 7.30 the Queen's household left; at 7.45 the thirteenth, fourteenth, and fifteenth trains started, and at 8.45 the sixteenth left with Her Majesty. Sixteen trains in one morning could not, with regard to that safety which, he was proud to say, had been secured, have been started earlier. He could state also, that the traffic was not of their own seeking. If the company had had the power of control, they would not have engaged to take more passengers than they could conveniently have sent; and they held out no inducement by lowering fares to entice the multitude, and crowd their trains beyond the capacity of their locomotive power, and if, under the enormous pressure of the circumstances, an accident had occurred, to which railways were at all times liable, and which had on that occasion impeded the passage of the trains, he did not think the company could be severely blamed, if it could be shown that they had used all reasonable precautions to prevent accident, and that they did so he thought was proved by the circumstance that they had at least conveyed every one safely over their line. But he denied that the company were responsible for much of the inconvenience and delay, for the directors, who reached Southampton after the Members of the two Houses, had been enabled to see the review; and, had proper arrangements for taking hon. Members off to their vessels been made, they would have done the same. The pressure was, of course, more intense on the return, because people who went down on Tuesday came back with the Wednesday visitors, although the tickets would have permitted them to remain until Thursday. It was quite impossible to regulate the crowds, who broke down all barriers, and got into the carriages by force. The inconvenience resulting to the House of Peers, on their return, was attributable to the confusion, in the midst of which it was stated, in mistake, that their Lordships were in their carriages, and the train left without them. So large was the traffic, that the number of persons conveyed from London on Tuesday was greater than that usually conveyed during a whole week; and from Monday to Thursday night scarcely any of the company's officials went to bed. As far as the company's arrangements were concerned, everything was satisfactory; and the delay which had occurred, and which he deeply regretted, resulted, as he had previously mentioned, from a failure of machinery, which was entirely beyond the control of the directors.

THE MARQUESS OF GRANBY said, he thought that the railway company were not entirely to blame for the delay which took place, although he did not acquit them of much of it. It would only have taken an hour to have transported the Members of the two Houses from the docks to the vessels intended for them had any means of transport existed; and as they arrived at the docks at one o'clock, they would, notwithstanding the breakdown, have been in time to have seen the review. He would, therefore, inquire of his right hon. Friend, the First Lord of the Admiralty, whether he did not think that it would have been better if there had been some responsible agent at the dockyard—they could not expect one of the Lords of the Admiralty, but a subordinate—who might have seen that the vessels were not taken away. His right hon. Friend said it was impossible for him to regulate the time and tide. He (the Marquess of Granby) quite admitted that, but at the same time he had never known any extraordinary blunder of this kind being made without such an excuse.

Mr. NISBETT HAMILTON said, he hoped that the result of the discussion would be, that the railway system of the country would be placed under proper regulations. Whenever attempts had been made in that House to introduce an efficient control over it the Government uniformly thwarted the efforts of those who wished to give the greatest possible accommodation to the public. On the very day before this review occurred he went to the terminus of the South-Western Railway at eleven o'clock in the morning, and he must confess that he rarely if ever saw a state of more inextricable confusion. The station was so full, that it was with the greatest difficulty that any one could get standing room, there being only two small boxes to get the tickets at, and more than 1,000 persons requiring them. He attributed much of the inconvenience that had arisen to the past negligence of the House itself in not supporting Bills to put the railways of the country under proper control, the consequence of which was, that when a great demand for conveyance arose it was accompanied with much danger and confusion, which offered an extraordinary contrast to continental railways.

Mr. HUTCHINS said, he much regretted that the House should have sustained any inconvenience on the South-Western Railway, but he thought that some hon. Gentlemen opposite, especially the hon. Member for North Warwickshire (Mr. Newdegate), had expended a good deal of unnecessary indignation upon the subject. What Government regulation could have prevented such an accident as occurred on Wednesday? Hon. Members had their horses fall down in their carriages now and then, and how, therefore, could the directors of the railway foresee that one of their best engines would burst its feed-pipe, and that thus delay would be occasioned to a traffic so enormous that he (Mr. Hutchins) did not know how they had conducted it so well as they had done. His right hon. Friend the First Lord of the Admiralty had forgotten to mention that the Admiralty issued a great many more tickets than the railway company anticipated. The delay of the Houses of Parliament was not entirely attributable to the Railway Company; had the boats of the Admiralty been as good as that employed by the directors of the South-Western Railway Company, noble Lords and hon. Members might have seen the whole of the review. The directors' train arrived at Southampton after that which conveyed the Members of Parliament, yet they saw the Queen come down the line, went up with her, witnessed the whole of the review, and returned to Southampton, where they arrived at seven o'clock as advertised, and reached London at ten o'clock. He (Mr. Hutchins) was on the platform of the Southampton station when the Members of the House of Commons arrived there in the evening. The special train was ready to receive them. He asked the superintendent where the peers were, and was informed that they were in the carriages behind. He believed that such was the case, and it was not until the previous day (Thursday) that he heard that any Members of the Upper House were left behind. The fact was that the peers were delayed by the accidents to their boat, and did not arrive at Southampton until after the special train provided for the accommodation of the Members of the two Houses of Parliament had left. The result was that they had to be accommodated in one of the ordinary trains, and did not reach London until a very late hour. He did not think that this was entirely attributable to the acts either of the directors or servants of the railway company.

Mr. HENLEY said, that the discomfort and inconvenience about which there had been so much grumbling had been caused by the wonderful assurance of the railway directors and the much more wonderful credulity of the right hon. Baronet (Sir C. Wood), which, remembering from how far north he came, did, he must say, greatly astonish him. The ordinary express trains on the Southampton line, carrying no second class passengers, except the servants of first-class ones, took two hours and twenty minutes to go from the Waterloo station to Southampton. How the right hon. Baronet had allowed himself to be so far gulled, even by railway directors, as to believe that they were going to take down trains containing 4,000 or 5,000 persons in five minutes less than the time occupied by an ordinary express had passed his (Mr. Henley's) comprehension. The assurance of the directors in making this proposition and the credulity of the First Lord of the Admiralty in believing that this promise could be fulfilled had been at the root of all the trouble and mischief of this affair. It was similar to expecting that, because you could go through clear streets in a cab at the rate of nine or ten miles an hour, you could proceed at the same rate through Newgate Street at that time of the morning at which it was most crowded. It was known that the line would be crowded from end to end, and it might have been foreseen that some of those unfortunate accidents which did occur, and against which no provision was made, would happen. It was, in his opinion, a source of consolation that so many thousand persons were conveyed on the line without any of them being smashed. He gave to the right hon. Baronet (Sir C. Wood) credit for a desire to make the best possible arrangements, but he thought that it was an unfortunate arrangement that the ladies should have to be transhipped from one vessel to another; that was at all times a disagreeable, and would in wet or rough weather have been a very ugly operation.

MR. PACKE said, that no explanation had yet been given of the fact, that although the train in which the Members of that House returned to town left Southampton at eight o'clock, it did not reach the Waterloo station until considerably after midnight.

MR. SIDNEY HERBERT: I wish, Sir, to make a single observation upon this subject. When the House of Commons attended the funeral of the Duke of Wellington, along with the House of Peers, they themselves appointed a Committee which arranged beforehand the method of their transit from this House to St. Paul's, and if any failure in the arrangements had occurred it would have been visited upon that Committee. Upon that occasion the two Houses attended, if I may so use the expression, officially. In the present case they did not attend officially, and I very much doubt whether it is a good precedent —although I know it has been set before —that the Government should undertake, at the public expense, to provide carriage and entertainment for the Members of both Houses of Parliament to enable them to view a great spectacle. If we are bound to appear as Members of the Legislature, then we should make our own arrangements, and attend at the public expense; but, if we are not so bound to appear, I hold that we ought to go at our own cost. I think we may learn from what has occurred in this case a lesson which neither the Government nor this House will easily forget—namely, that we have functions of a very different character to discharge, and that it is not wise or prudent on our part to ask the Government to entertain the Houses of Parliament upon occasions of this description.

The Motion for the adjournment of the House was then *agreed to.*

POLICE (COUNTIES AND BOROUGHS) BILL.

Order for Committee read.

House in Committee.

Clause 1 (Where a Constabulary is not established for the whole of a county, quarter sessions to cause the same to be established).

MR. HENLEY said, he would move the Amendment on this clause of which he had given notice. The object of the Bill appeared to be the extension of the principle of the rural police. Now, the efficiency of the rural police entirely depended on the efficiency of the chief constable. And to find such a functionary as perfectly efficient as was desirable was a matter of no small difficulty. The result of the system had been an entire failure in the prevention of crime, and, for that reason, he objected to the compulsory extension of it. In 1854 the amount and character of crime appeared to be diminishing generally, and it was very remarkable that the system should have been introduced when crime was on the decrease. He should take the liberty of calling the attention of the House to certain statistics which had been furnished relating to the counties of Surrey and Hampshire, with respect to the working of this particular law in this country. These were the only counties with respect to which he could find any Returns dealing with the subject. The former had been furnished by the chief constable of the county, the latter from the evidence taken before the Police Committee. Captain Harris, the chief constable of Surrey, had now joined the metropolitan police, and he had no doubt that he was an able and trustworthy witness. It appeared from the Return lately made before the Transportation Committee, that the number of persons committed for trial, in 1854, were 29,000; and, in 1855, 26,274. The character of the crime had also changed for the better. It was marvellous, but it certainly appeared to be the fact, that in places where there were the most police there were the most offences committed, and the fewer number of detections. Captain Harris, in his evidence before the Police Committee, said that, taking the town of Gosport, and comparing it with this metropolis, it appeared that, in 1851, in London there was one policeman to 457 inhabitants, while in Gosport there was but one policeman to every 3,381 of the inhabitants. Now, let them see what were the convictions in London. With one policeman to every 457 of the inhabitants, not more than one offender in four was brought to justice. In Gosport, with one policeman to every 3,381 of the people, one was convicted on the average in every two and a half. Was that a state of things likely to induce the country willingly to accept such a measure as the present. Taking the particular crime of sheep-stealing—a common offence in agricultural districts, and calculated to test the efficiency of a rural police—he (Mr. Henley) would call attention to the evidence of Captain Harris, which was designed to show how the number of such crimes had decreased in Hampshire. But Captain Harris had not stated how many offenders he had been able to convict. The Criminal Returns, however, supplied that information. The number of offences did not necessarily tally with the number of offenders, as frequently several persons were concerned in the same offence. The number of sheep stolen had diminished more than one-half from 1847 to 1852. But the number of persons committed for trial for the offence of sheep-stealing—the whole number of offences during those six years being 312—was only forty-five. That was a very small proportion, especially recollecting that several persons were often concerned in the same offence. [Sir GEORGE GREY: And sometimes a good many sheep are stolen.] That is an event of rare occurrence, and would be specified when it happened. Now, how many of the persons committed for trial in Hampshire were convicted; one in five was acquitted; so that only thirty-six persons out of upwards of 300 offenders were brought to justice. Now, that certainly was no very pleasing result of a rural police; and in Oxfordshire, where it did not exist, the state of things was not so bad. He would now refer to the returns which had been furnished by Mr. Hastings, the chief constable of Surrey. That county contained, at the last Census, about 112,000 inhabitants, a very moderate, manageable population. If statistics were to be depended upon, the morality of Surrey was as satisfactory as its sanatorial condition. The chief constable's returns divided the criminal part of the population of the county into three classes, namely, those who lived wholly by violation of law; those who followed lawful avocations, but were known offenders; and those who were associates of thieves, "or otherwise suspected persons." The meaning of this latter expression was not explained. In the first class it appeared that only twenty-six females in all Surrey lived wholly by prostitution or plunder; and in the second class, only nine females were ranged; in the third, only one. The males in the first class were upwards of 520, out of a population of 112,000. Nothing could seem more satisfactory. But how many criminals were detected? In 1851, when the police was established, the total number of persons taken into custody were 684; in 1855, upwards of 940. That was not very satisfactory. But how many of those persons were rightly taken up? In 1851 more than one in three were discharged without prosecution. In 1855, out of 947 taken into custody, 310 were discharged without further proceedings. Now, that was a large proportion. It was important to see how many persons were shut up without reason. He was not what was called a "Liberal," nor did he talk much about liberty; but he thought those facts were rather strong as to the infringements on liberty, which took place under the police. [Sir GEORGE GREY: How many were taken up for drunkenness?] The right hon. Gentleman might search for himself in the Returns. But he would remark, that the district he was alluding to was a rural one. And the more the Returns were looked into, the more it would be seen that the proportion of arrests to committals, and of committals to convictions, was extremely unsatisfactory. He found that, in 1851, 314 persons were summarily convicted by the magistrates, 124 committed for trial, and only ninety-four convicted. In 1855, 322 persons were apprehended for indictable offences; ninety-nine of these were discharged by the magistrates. [An Hon. MEMBER: Where was this?] In Surrey. The population was 112,000 only. The chief constable classified the offences under the heads used in the criminal tables. First came the offences of housebreaking and robbery. In 1855 there were committed of those offences thirty-seven —not a very considerable number. There were of sheep and horses stolen twenty-one. No less than forty-seven cases of hen-roost breaking. These comprised the greater and lesser class of offences, amounting to 105 offences in the course of the year—not one of the thirty-seven housebreaking class had been apprehended. The cases of horse-stealing, &c., were twenty-one. Only seven, however, were apprehended; the magistrates discharged four, and sent three to trial, but the whole three were acquitted. Thus the country had the satisfaction of seeing persons apprehended and sent to trial, but no conviction followed. There seemed to be a pretty good crop of hen-roost stealing in Surrey—forty-seven "fowl" offences. There were only five apprehensions out of these forty-seven offences; the magistrates discharged three, and three were convicted. Out of the whole array of 105 cases only three cases of hen-roost stealing resulted in conviction. Such was the working of the system in the county of Surrey. A greater failure of justice or of bringing persons to trial he could not conceive. In sporting phrase, there was plenty of game, but a sad want of hounds to catch it. In crowded neighbourhoods there might be advantages in patrols; but in thinly-populated neighbourhoods the practice led to a system of false security. In fact, the thieves better knew where the police were than the police knew where the thieves were. He would now address himself on the subject of acquittals and convictions, upon which, he believed, there could be but little difference of opinion. On a former occasion he had referred to eight counties—four under a police system, and four under a superintending constable system. The results in five years, in counties which had a rural police, namely, Cambridge, Essex, Norfolk, and Suffolk, were as follows:—In the five years ending 1844, there were committed for trial 11,094 persons; of these there were acquitted 3,380. In the next period of five years there were 10,208 persons committed, and 3,074 acquitted; and in the last period up to 1854 inclusive, there were 11,038 committed, and 2,934 acquitted, being 26 per cent of the gross number — in those five years the average of the fifteen years being 29 per cent. But how did the case stand in the other four counties? In the first period the number committed was 10,321, and the acquittals 2,883; being 27 per cent on the whole number. In the second period the commitments fell to 9,700, and the acquittals were 2,490; being only 25 per cent. In the following five years there was a decrease in the number of acquittals, there being 10,316 commitments, and 2,531 acquittals, being as low as 24 per cent, and the average of the fifteen years being 25 and a fraction per cent. He did not know any other tests by which to reach this question, having sought information in every quarter. Opinion was to be got in abundance, but it was of importance to get at facts. The Reports concurred that parties desired the management of the police to be severed from the magistracy. Last year he had deprecated persons being locked up in this metropolis and discharged without being taken before a magistrate. It might be said that in London the Chief Commissioner was a magistrate, but he could not understand how in counties the magistracy could conserve the peace without having a direct control over the constabulary. He warned hon. Gentlemen representing boroughs that the attempt to force a particular system of constabulary in counties would in time trench on the boroughs. The boroughs might certainly have the privilege of being eaten up the last; but it behoved their representatives to prevent the counties being overpowered by a measure of this nature. Neglect the counties, and the boroughs would not long be kept out of the lion's mouth. The provisions of the Bill of last year showed that the object of the Government was centralisation. Once let the Government establish a uniform system of police in counties, and the days of the boroughs were numbered. Local Government in the boroughs would only be conserved by resisting this encroachment, and he was surprised that those who represented boroughs and were desirous of local Government, should suffer dust to be thrown in their eyes by the slight alteration that had been made in the Bill now before them. The Bill had been only slightly modified; and as sure as the sun at noonday, if the measure in its present shape were passed into law, the entire police force of the country would be as much in the hands of the Home Secretary as if the Metropolitan Police Bill were extended throughout the land. A great central action was contemplated. He deprecated centralisation, and although he was willing to give the Government extensive power in the case of gaols, he did not wish to see the local power broken down. He was willing to accept the principle which governed the boroughs, namely, that counties should be provided with an effective police; but the system was susceptible of improvement. If the Government could show that in those counties where a rural police existed there was less crime than in the others, then, indeed, they might be considered to have a strong case for compelling them to adopt this particular Bill; but in the absence of such evidence he must declare the measure to be arbitrary and impolitic. Nor could he help viewing the means they had resorted to of popularising the scheme as not very creditable to the Government. No doubt a plan which proposed to subsidise with a large grant of public money such counties and districts as had already established a rural police force was one likely to catch a great number of votes. Now he (Mr. Henley) was quite willing that those Gentlemen should enjoy the luxury of a rural police; but on the other hand, he claimed for those who shared his views the exercise of their discretion as to the kind of force they should establish. He therefore begged to propose his Amendment.

Amendment proposed, page 2, line 8, to leave out from the words "such county," to the end of the clause, in order to add the words—

"Under any existing Act or Acts of Parliament, the justices of such county, at the general or quarter sessions holden next after the passing of this Act, or at any adjournment thereof, shall appoint a sufficient number of fit men, who shall be sworn in before some justice of the peace having jurisdiction within the county, to act as Constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn, and also all Constables appointed, or to be hereafter appointed, under the provisions of the Act of the fifth and sixth years of the reign of his late Majesty King William the Fourth, to provide for the regulation of Municipal Corporations in England and Wales, or under the provisions of any other Act authorising the appointment of Constables in any county or town or district, shall, not only within such county, but also within every county and borough in England and Wales, have all such powers and privileges, and be liable to all such duties and responsibilities, as any Constable duly appointed now has or hereafter may have within his constablewick by virtue of the common law of this realm, or of any statute made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the justices of the peace having jurisdiction within any county, or borough, or town, or district in which they shall act as Constables, for conducting themselves in the execution of their office: Provided always, That it shall be lawful for the justices of the peace of any county in general or quarter sessions assembled, if they shallbe of opinion that a distinction ought to be made in the number of Constables appointed to keep the peace in different parts of the county, to divide the same into districts, as shall appear to them most convenient, and to declare the number of Constables which ought to be appointed for each district, and from time to time to alter the extent of each such district, and the number of Constables to be appointed for the same; and the expenses of the Police for each such county or district shall be defrayed by each such county or district in the manner provided by the Act passed in the third and fourth years of Her present Majesty, chapter eighty-eight, for defraying the expense of the Police for counties, or separate Police districts of counties, established under the Act therein recited, passed in the second and third years of Her said Majesty, chapter ninety-three; and so much of the said recited Acts, or any of them, as confers the appointment of Police Constables on the Chief or Superintendent Constable, shall be, and the same is hereby, repealed."

Sir GEORGE GREY said that, if the right hon. Gentleman had not repeatedly assured the Committee in the course of his speech that he acquiesced in the decision of the large majority of the House in favour of the principle of the Bill, he should have supposed that his speech was directed altogether against it. He was bound, however, to take the right hon. Gentleman's declaration that he acquiesced in the principle of the Bill, and he would proceed to discuss the Amendment. It consisted of four distinct parts, and it affected counties only. The first clause provided that in those counties in which a regular constabulary had not been established the justices might appoint a sufficient number of fit men to be sworn in as constables. The second clause of the Amendment proposed to give to constables so appointed extended jurisdiction, enabling them to exercise their functions in every county and borough in England and Wales. That subject was one which he (Sir G. Grey) thought well deserved the consideration of the Committee; but it would be brought more directly under discussion by another Amendment of which an hon. Member had given notice. The third clause of the Amendment gave magistrates the power of dividing counties into districts if they thought a distinction ought to be made in the number of constables appointed in different parts of a county, and to declare the number of constables to be appointed for each district; and the last clause of the right hon. Gentleman's Amendment proposed, as well with regard to counties which had established an efficient police, as to those which had not established a police, to repeal altogether the provisions of the existing law which authorised the appointment of chief constables. The effect of the last proposition would be to throw the police force in those counties and districts in which a rural police had been established into entire confusion. The existing Act, which had been designated as of a most arbitrary character and as depriving justices of the peace of all control over the police, had been voluntarily adopted in twenty-four counties and in districts of other counties, and that Act contained a provision which enabled any county, if the working of the police force should be found unsatisfactory, at once to abolish that force and to return to the system of parish constables. In no one instance, however, has that power been exercised, but practical experience had shown the beneficial operation of the measure, and there had, in many cases, been a gradual increase in the number of the police with the view of increasing their efficiency. Magistrates were authorised by the Act to fix the number of constables necessary for the preservation of the peace of counties, the protection of the inhabitants, and the security of property; and they were also required to appoint a chief constable, subject to the approval of the Secretary of State, such chief constable, however, being liable to dismissal by the magistrates at any time without any check or control on the part of the Secretary of State if they thought he did not adequately discharge his duty. The Act further provided that the chief constable, subject to the approval of two or more justices in petty sessions, should appoint the other constables and the superintendent constables; and although it was true that the chief constable had the absolute power of dismissing the men under his control, it must be remembered that he was to exercise that control "subject to the lawful orders of the magistrates." The right hon. Gentleman (Mr. Henley) seemed to have a strong objection to the appointment of chief constables who should exercise general control over the constables in their respective districts; but for his own part, he (Sir G. Grey) thought it was essential to maintain efficient, active, and energetic men in the position of chief constables, in order to prevent the rural police from degenerating into as useless a body as the existing parish constables. The right hon. Gentleman admitted that the efficiency of a police force depended upon the person at its head, and yet, with strange inconsistency, he objected to the appointment of a chief constable, because it would be impossible, in all cases, to secure the services of the best man. So, in the case of a gaol, to which the right hon. Gentleman had also referred, what could be more absurd than to argue that, because the services of the best man could not be procured, therefore there should be no gaoler, but the prisoners should be left to take care of themselves? He would not follow the right hon. Gentleman into the statistics of the question, because in moving the second reading of the Bill he had stated a variety of facts which showed a disgraceful state of things in some populous and rich districts, where no police force existed; and on that occasion the House appeared to be satisfied that, with regard to those districts it was essential that an improved system should be established. The right hon. Gentleman would authorise the justices to adopt any form of police they liked; he made no provision for the government of the force, not even providing that the whole time of the men should be devoted to their duties as police; and the practical effect of the adoption of his Amendment would be to leave matters, as regarded the counties very nearly if not quite in their present state. With regard to Surrey, he would refer to the Report of the chief constable, who stated that although the Returns showed an increase of seventy-three persons taken into custody, as compared with the preceding year, 1854, that was to be accounted for by the circumstance that last year there were 218 deserters apprehended by the police, whereas in the preceding year there were only fifty-three. Then he said that the amount in value of property stolen was less, and the number of persons committed for trial was also less. Then with respect to Hampshire, the right hon. Gentleman had referred to the statistics of sheep-stealing in that county, with the view of showing how few persons were convicted compared with the number of offences committed; but no man knew better than himself that sheep-stealing was one of those crimes in which the difficulty was to identify the property stolen, and that the fact of an acquittal did not reflect blame either upon the policeman or the magistrate. Moreover, the statistics of crime in Hampshire had of late been affected by the existence of the camp at Aldershot; but if there was any force at all in the argument of the right hon. Gentleman, it showed, not that the police had been less active, but that the magistrates had been more negligent in the discharge of their duties. With respect, however, to both Surrey and Hampshire, they had the testimony of all the magistrates in those counties to the benefits derived from the establishment of a police force; and the Reports of the chief constables of those counties addressed to the magistrates and justices of the peace, stated, not only that there had been a decrease in the number of offences, but that the character of the crime had been of a less serious description. In that opinion the magistrates and justices of the peace had expressed their concurrence, and he did not believe that the statistics of the right hon. Gentleman would induce them to dispense with the police force which had been established in the county. He hoped the Committee would agree with him that it would be far better to adhere to the existing Acts than to substitute for them the vague proposition embodied in the Amendment of the right hon. Gentleman.

Lord LOVAINE said, as chairman of the Police Committee in the county of Surrey, he was able to testify to the benefits which had resulted from the establishment of a police force. Before that event neither life nor property was safe, and the magistrates were forced into action by a series of daring robberies and the perpetration of a dreadful murder; but since, there had been a degree of peace and security which never existed before. From the county of Surrey, returns had been received for 1855, showing that there were, out of a population of 120,000, no robberies with violence; larcenies from person, two; larcenies by servants, three; and simple larcenies, twenty-five; and out of these there had been twenty-three convictions. Those figures required no comment. The desertions from the army, however, were ninety-one; from the militia, sixty-six; from the navy, fifty-five; from families, eleven; and from service, seven. The statistics of the number of criminals in counties where there were no police had been produced in comparison with the number of criminals where there were police; but that was a false estimate, because it was well known that there were no correct statistics of crime where there was no police. In conclusion, he would give one practical illustration of the effect of the introduction of the police into Surrey. It was this:—when first he acted as a magistrate upon the bench at Guildford, there was hardly a day upon which the bench could rise before four o'clock, and it was frequently kept till six; whereas, at the present time two hours was found to be ample for the discharge of all the business that came before it.

Mr. BECKETT DENISON said, his first anxiety was to show that the allegation made on a former occasion by the right hon. Baronet, the Secretary of State for the Home Department, "that the West Riding was in a most discreditable state," had no good foundation in fact. The West Riding magistrates, consisting of 300 gentlemen, had met and discussed the proposition to adopt the Constabulary Act three times; and on each occasion the proposition had been negatived by very considerable majorities. The magistrates were of opinion that a rural police were wholly unnecessary in the West Riding. The right hon. Gentleman the Member for Leeds had presented a petition from Mr. Jonathan Peel, who resided in Yorkshire, on the borders of Lancashire, and the petitioner complained very much of depredations in his neighbourhood. Now, in Lancashire there was a county constabulary maintained at a cost of £33,000 a year, but that did not prevent depredations. Mr. Peel had regularly attended at Wakefield at the meetings of magistrates, and had complained, but nevertheless the magistrates had judged for themselves. It was a singular thing, that though the constabulary had been adopted in many counties, it had not been adopted in any particular district of the West Riding, nor had there been, to his knowledge, any one application to the magistrates in quarter sessions to adopt it for any such district. He should have thought that where parties were annoyed by persons coming from other districts they would have applied for a police force, and he did not think there would have been any objection on the part of the magistrates, as there was a power to rate a district separately. The right hon. Gentleman also quoted from a statement made by Mr. Wilson Overend, the chairman of the quarter sessions at Sheffield. If the right hon. Baronet could prove that there was any good foundation even for this particular charge, he would admit that the magistrates of the West Riding had been guilty of a dereliction of duty. But what were the facts? The West Riding was divided into three districts for the purposes of quarter sessions. One of these divisions extended from Sheffield in the west to Goole in the east, and was about seventy miles long by twenty broad, containing about 200,000 inhabitants. At the last quarter sessions for that district forty-five persons were brought up for trial, and of those forty-five there were twenty-seven from the town of Sheffield itself, in which there was a police force of 145 men, the remaining prisoners having come from the district at large. These facts did not justify the charge which Mr. Wilson Overend had brought against the magistrates of the West Riding, or show that a general rural police was required. He found from the condensed digest of the census of 1851, that, in respect of pauperism and crime Yorkshire favourably contrasted with the other parts of the kingdom, and pauperism and crime generally went together. While there were in the south-eastern counties in every 10,000 persons, 133 paupers and thirty-nine criminals, there were in Yorkshire only thirty-two paupers and sixteen criminals. That was as regarded the county at large, but the West Riding stood still better. The West Riding had no rural police. There was such a force in Cheshire and in Lancashire, and yet there were in Cheshire thirty-nine paupers and twenty-one criminals in every 10,000 inhabitants; in Lancashire, twenty-seven paupers and twenty criminals; while in the West Riding there were only twenty-seven paupers and thirteen criminals. He quoted these figures to show that the population of the West Riding were not in that demoralised state they were represented to be; and he had to remind the right hon. Baronet that in order to make up the return of the criminals in Yorkshire, there were included from 400 to 500 convicts belonging to Government confined in Wakefield prison, who were no part of the population of that county. He found that in Yorkshire pauperism and crime were as low as in any part of the kingdom, and that was the reason why he had always opposed the introduction of a rural police, believing it unnecessary. Indeed, crime in Yorkshire was below the average of the other counties in the kingdom—less than Lancashire, with its police; less than Durham, with its police; and less than Nottinghamshire, with its police. Those were the counties which bordered on Yorkshire, and it might be supposed that they drove all their thieves into it. The returns which he had quoted showed that Yorkshire had still less than any other county in England. The noble Lord (Lord Lovaine) might say that in Yorkshire we did not catch all the thieves, but that was easier said than proved; for it was his (Mr. B. Denison's) belief that they were generally caught, as they all made their way into the large towns, in which there were strong bodies of police, and where they were sure to be apprehended. He confessed he saw no necessity for an alteration in the present Act, under which the county magistrates had abundant power of adopting a rural police, if they thought such a force requisite. There were in Yorkshire 320 magistrates, and they had on every occasion on which the subject had been brought before them rejected it, which they would not have done had they thought that the population was of a character to require such supervision.

Mr. BENTINCK said, he had seldom the misfortune to differ from his right hon. Friend the Member for Oxfordshire (Mr. Henley), but he must confess that he thought that the suppression of crime was the only object which the Government had in view in the proposed measure, and he saw no difference in the meaning of the words in the original clause, and in the Amendment which his right hon. Friend proposed. It was the meaning of both that an efficient force should be established, but the test of efficiency was that the object for which the force was established was obtained, and that could never be the case, unless the rural police was uniform and continuous throughout the country. His right hon. Friend had used arguments which actually supported the opposite view of the subject to that which he himself entertained. He had alluded to Gosport, to show that the absence of crime was coequal with the absence of police; but Gosport was a fortified town, and did not admit the growth of that class of population among which criminals were for the most part found. He had also said that in Hampshire itself there had been 312 offences, forty-five committals, and twenty-six convictions. Now the only result derivable from that argument was that a continuous police force was required. With regard to Surrey, he had fallen into the mistake of supposing that increased capture was increased crime, whereas it only showed the efficiency of the police in detecting crime, and so much was that appreciated, that no county, which had as yet adopted this system, was willing to give it up.

Mr. BAINES said, that the petition which he had presented had been adverted to by the hon. Member for the West Riding (Mr. B. Denison), who was quite mistaken in thinking that it was merely the petition of Mr. Jonathan Peel, for it came from several magistrates who, residing on the borders of Yorkshire and Lancashire, were able to judge of the condition of each of those counties. Those gentlemen alleged that there was in Lancashire more good order and less undetected crime than in Yorkshire, and prayed that the same advantages which Lancashire enjoyed in its police might be given to Yorkshire. The hon. Gentleman had stated that, although the question of adopting the system of rural police in the West Riding had been frequently considered, it had been always rejected by the West Riding magistrates. In answer to that, he (Mr. Baines) would ask the Lancashire magistrates if, after sixteen years' working of the system, they wished to rescind the resolution by which they had adopted it—and he was sure they would reply in the negative, for the public opinion of Lancashire was in favour of the force. The hon. Gentleman, however, said that such was not the case in the West Riding; but there, too, a change was taking place in public opinion. The first time the proposition was made it was rejected by a large majority. Two years ago it was brought forward a second time, when there were nineteen in favour of it, and thirty-three against it. The last time it was brought forward was during the past autumn, when there were thirty-three for it and forty-three against it, so that there was a continuous increase in the minority which was in favour of the system. So much for public opinion in that important county. With respect to what had fallen from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), it would appear that he was for any system, or for no system, rather than adopt that which had been tested by twenty-four of the counties of England. That right hon. Gentleman also quoted figures in support of his views from a book which he (Mr. Baines) never saw before, but he had sufficient experience of the House to know how easy it was by figures to prove any proposition, unless those figures were thoroughly sifted. He was sure the right hon. Gentleman would not use figures disingenuously, but he suspected that his own predisposition in favour of his views led him to see corroboration of them in figures, in which there was really nothing corroborative of them. Facts, however, outweighed such statistics, and it was a fact that, although the Act gave the magistrates the power of rescinding the resolution for the adoption of the police system, they had never in one instance availed themselves of that power, and the experience of magistrates in those counties in which a rural police existed was not only in favour of its being retained there, but also in favour of its being introduced into other parts of the Kingdom. The right hon. Member said that the Government had the intention of substituting a borough for a county police, but he (Mr. Baines) had no knowledge of any such intention on the part of the Government. The simple question was, whether they should introduce into the rest of the counties of England that system, which, from the experience of some sixteen or seventeen years, had been tested in many of the counties, and had been found to be highly satisfactory.

Mr. EVELYN said, he had come down to the House with the intention of supporting the Motion, but he had no expectation that the history of his own county, since 1851, would have been so particularly adverted to. He had learned something new respecting his own county, however, during the evening. The right hon. Gentleman the Member for Oxfordshire had told the Committee that the county of Surrey was distinguished for the morality of its inhabitants and for the salubrity of its air. Now, the salubrity of the county might be supposed to have been always the same; but if they were to believe the noble Lord the Member for North Northumberland, its morality must be dated from the year 1851, that memorable era when a rural police was first established there. For the noble Lord had said that before that year neither life nor property was safe in the county of Surrey. Now, he (Mr. Evelyn) himself had lived in the county for some years anterior to that date, and he had been quite unaware of the dangers to which he had been exposed. [An hon. Member: Frimley.] Yes, he would allude to Frimley, and he would say that a very unfair use had been made of the circumstance of the burglary at Frimley that took place in the year 1850. Upon that lamentable occasion, a clergyman was murdered in his bed at the dead of night. But they could not argue from an isolated instance. The dreadful event that took place a short time since in Rupert Street might as well be cited to argue in favour of abolishing the metropolitan police. In the case of every burglary, it was an accidental matter whether it was accompanied by murder or not. Every burglar was morally a murderer. In the case of the Frimley murder, the man who committed the crime was not the most guilty of the three, but the man who did not fire the shot set the other two on. The facts brought out by the right hon. Member for Oxfordshire (Mr. Henley) had clearly proved that they could not expect to diminish crime by means of an organised police. Then there was the question of expense to be considered. The statement of the right hon. Baronet the Home Secretary was rather calculated to mislead the House with respect to the success of the new system. He said that the magistrates had the power of rescinding the appointment of rural police, and yet there was no one of the counties, in which the police had been established, in which recourse had been had to that step. Unless he (Mr. Evelyn) were much mistaken, such was by no means the case. The Home Secretary could put his veto upon any such step, and it was certain he would exercise that veto, and would not allow a system so favoured by the Government, when once established, to be set aside by the magistrates of any county. So that no body of magistrates, whatever their opinion might be, would be likely to think it worth their while to come to a barren resolution which could lead to nothing. It had been said that the magistrates in Surrey were greatly in favour of the new system. That might be true, of the majority of the magistrates; but he (Mr. Evelyn) was not quite sure that the ratepayers generally were of the same opinion. He believed that the conservation of the peace was, by the laws of England, reposed in the people themselves, and not in a standing army of policemen, separated from the people and acting under central control. Before sitting down, he felt it due to the Surrey rural police to say that they were as efficiently organised and as well commanded as it was possible for such a force to be. He (Mr. Evelyn) had found fault with the system and not with the men. He (Mr. Evelyn) would candidly state to the House that he believed the majority of the magistrates were in favour of it, but he did not think the ratepayers were.

Mr. MILNER GIBSON said, that it was very difficult to tell what was the opinion of the ratepayers of counties, because they had no voice in the management of their affairs. He conceived that in this matter counties stood upon a footing quite different from that of municipal corporations. The magistrates were persons appointed by the Crown, and not responsible to the ratepayers. If the right hon. Gentleman (Sir G. Grey) proposed that the justices should have the same powers as the watch Committees of boroughs, he ought to give them the same responsibility to the ratepayers. He (Mr. Gibson) was surprised that Her Majesty's Government in throwing upon counties a new expense, had not recollected that they had made a distinct promise that they would introduce a measure which should by means of financial boards give the ratepayers of counties a control over the expenditure. He hoped some Member of the Government would state that there was a disposition to redeem that promise. With respect to the measure now before the Committee he preferred the clause as it stood to the Amendment of the right hon. Gentleman (Mr. Henley). He did not think that there was any necessity for meddling with the police in municipal boroughs. The police force, which was established some years ago in Manchester, under a Commission appointed by the Home Office, had been replaced by a body of police under the control of the municipal authorities, and the latter system had worked far more satisfactorily than the former. It was true that since the withdrawal of some clauses to which they objected, the corporation of Manchester had given a qualified assent to the Bill, but he believed the population of that city were generally adverse to the measure, that they looked with some jealousy upon a proposition to place them unnecessarily under Government control, and that they objected to the payment of any portion of their police expenses from the public funds. Although he would not go the length of voting against the Government on the present occasion, he should oppose the clauses of the Bill which affected the borough police.

Sir JOHN PAKINGTON said, that some fifteen or sixteen years ago, when the rural police were established in Worcestershire, many petitions were presented to the magistrates from the ratepayers against the continuance of the system. The magistrates, however, refused to comply with the request of the petitioners; the police were maintained, and only a year ago several petitions were presented from the ratepayers, praying that the police might be continued. He thought that on the present occasion they had been led too much into a discussion upon the principle of the Bill. He would not enter into any consideration of the statistics to which his right hon. Friend the Member for Oxfordshire had referred, for it appeared to him that they did not establish anything; but in reply to those statements he would venture to assert that no quarter sessions occurred in any county in which a rural police had been established at which numerous criminal cases were not tried which would not have been detected but for the vigilance and activity of the rural police. The object of the Amendment seemed mainly to be to vest the appointment of the police in the magistrates, but he (Sir J. Pakington strongly deprecated any measure which would have such an effect, and he blieved that in Worcestershire there were not half-a-dozen magistrates who would desire to exercise the power.

MR. GRANVILLE VERNON said, that when the establishment of a rural police force in Nottinghamshire was proposed, the proposition was only carried by a majority of one; but he believed there was now scarcely a single magistrate in the county who would not admit that the system had worked satisfactorily.

MR. NISBETT-HAMILTON said, he objected to the Bill, because it was intended to force upon counties a system to which they were averse, and besides it was his belief that in the three divisions of the county of Lincoln a rural police was quite unnecessary. He also protested against counties being compelled to establish a police force, and should support the Amendment of his right hon. Friend, because it would render the Bill less onerous than at present, and would not impose an unnecessary burden upon reluctant ratepayers.

MR. MILES said, the subject of establishing a county police had been long ago brought before the magistrates of Somersetshire. Its plan had been rejected, but last year it was adopted by sixty to one. The magistrates found it impossible to go on under the unpaid system. He therefore avowed himself a convert to the system. He had examined the charge sheets in different districts. He had found in Bedminster that out of sixty-eight charges only eighteen were pressed, at Bath only eight out of eighteen. There never had been in the country so large an amount of undetected crime. It was not true, as far as his county was concerned, that the ratepayers were averse to the establishment of a rural police; on the contrary, they had largely petitioned for it. He heartily supported the Bill, as placing the police of the country under one uniform system in the hands of the Government. He could not therefore agree in the Amendment, which was in fact a new Bill, and he thought, in a police that unity of action was the chief thing to be desired, and with that view he preferred even the Bill as it was originally introduced. As a convert he heartily thanked the Government for the introduction of the Bill.

MR. VANCE said, that the ratepayers in Dublin county were almost unanimous in favour of the adoption of a rural police.

CAPTAIN SCOBELL said, that the statistics of the right hon. Member for Oxfordshire had not been answered. In reply to the figures of the hon. Member for East Somersetshire (Mr. Miles) he begged to state that crime in East Somerset had diminished in the last three years, and had been diminishing steadily for twenty years. Summary convictions had diminished in the same way, and the improvement had been gradual for many years.

MR. PACKE stated, that the ratepayers of Leicestershire were, almost to a man, in favour of a rural police.

MR. BROTHERTON said, he would beg to express his approval of the Bill now that it had been altered, and he should give it his support.

MR. HENLEY in reply said, that the right hon. Baronet (Sir G. Grey) had argued that the system worked well, because there had been no attempts to get rid of it wherever it had been established, but, on the contrary, the rural districts were petitioning for an additional force. He believed that the fact was this:—The counties started with a certain number of policemen; the system was not found to work. It was then said that the reason was because there were not policemen enough; and the consequence was that people petitioned for more. The right hon. Gentleman opposite was wise in his generation; but he (Mr. Henley) feared that his hon. Friends near him were not wise, and he warned them that directly the Bill became law, county financial boards would follow.

Question put, "That the words 'under the said Acts of the second and third and third and fourth years of Her Majesty' stand part of the clause."

The Committee *divided:*—Ayes 268; Noes 94: Majority 174.

On the question that the Clause stand part of the Bill.

MR. FLOYER said, he objected to words of restriction, and would suggest that power should be given to establish a sufficient police force in a county, inclusive of any districts in which constabulary force might be already established.

SIR GEORGE GREY said, he would look into the matter, but thought the clause as it stood fully carried out the object of the hon. Gentleman.

SIR JOHN PAKINGTON said, that in the hope that the Government would omit the second clause altogether, he would suggest that the hon. Member for West Norfolk should move the addition of his proviso to the first instead of to the second clause.

MR. BENTINCK then moved to add the following words:—

> "That after the passing of this Bill the number of constables appointed and paid shall never, at any time, be less than one per 2,000 of the inhabitants of every county or police district, or one per 1,000 of the inhabitants of every city or borough throughout England and Wales according to the last Parliamentary enumeration of the population for the time being."

Taking the average number of the population, he did not think that could be considered too large a minimum, and without some minimum were stated no additional security against the commission of crime would be obtained. It was most desirable to have a uniform system of police, for at present those counties where there was no police were harbours of refuge for thieves from counties where there was an efficient force.

SIR GEORGE GREY said, that, as the proviso of the hon. Gentleman referred both to counties and boroughs, while the operation of the clause was confined to counties, it was hardly in its proper place. He, therefore, would suggest that the proviso should be brought up as a distinct clause.

MR. BENTINCK said, he would accede to the suggestion, and the proviso was withdrawn.

VISCOUNT GODERICH said, he wished to ask what effect the Bill would have in the town of Huddersfield?

SIR GEORGE GREY said, Huddersfield would continue under the power of the existing Act.

SIR GEORGE PECHELL said, he would beg to put the same question with regard to Brighton.

SIR GEORGE GREY said, Brighton was an incorporated borough, and had its own police under the Municipal Act.

SIR GEORGE PECHELL said, there was a portion of the town not under the Municipal Act, and the inhabitants of that portion of the town were apprehensive of being put under the county constabulary.

SIR GEORGE GREY said, there was already a county constabulary in Sussex; consequently that would not be affected by the Bill.

Clause *agreed to.*

Clause 2 (Her Majesty may, by Order in Council, require separate police districts to be constituted in counties).

SIR JOHN PAKINGTON said, he wished to know why this clause, which would give the Secretary of State a compulsory power with regard to the division of counties into districts, had been proposed? Such divisions had already been made for purposes of police in several counties, and he thought the local authorities were the persons best qualified to determine the extent and limits of those divisions.

SIR GEORGE GREY said, that on introducing the Bill he had fully explained the reasons which had induced him to propose this clause, which had been inserted in conformity with the recommendations of a Committee of that House. He was, however, ready on the Report to introduce words into the clause providing that police districts should not be formed without an opportunity being afforded to the local authorities of expressing their opinions on the subject.

MR. NEWDEGATE said, the clause would destroy the jurisdiction of the justices.

MR. ADDERLEY said, he thought the clause ought to be expunged. Though a strong advocate for local administration, he should vote for the first clause, because he believed the counties had been overridden by the ratepayers.

LORD HENRY LENNOX said, he would ask the right hon. Baronet to withdraw the clause, and reintroduce it, in order to enable the Committee to consider the modifications he had proposed.

SIR GEORGE GREY said, if the clause were likely to be agreed to, he should have no objection. It was a mistake, however, to suppose that the clause compelled the county magistrates to divide the counties into districts.

Mr. HENLEY said, he thought the clause was very clumsily drawn.

Sir GEORGE GREY said, there had been many counties already divided into districts, and always with perfect harmony between the magistrates and the Secretary of State.

Mr. LLOYD DAVIES said, that the only objection to the clause was that the power originated with the Secretary of State. By the words suggested to be added it would come from the county magistrates.

Mr. KNIGHT said, that if the Bill was to pass, the object should now be to limit the power of the inspectors. Their efforts could only be intended to establish a police ministry, and he hoped the clause would be withdrawn.

Viscount EBRINGTON said, he knew something of these matters as the son of a lord-lieutenant, and he would appeal to any magistrate who knew the comparative number of magistrates coming from different parts of the country, whether the number of magistrates was not wholly irrespective of the rating.

Mr. BECKETT DENISON said, he was of opinion that in large counties, differing greatly, in respect to one portion being manufacturing and the other agricultural, there ought to be some security that the manufacturing part did not swamp the other. This clause was intended to carry this principle into effect, and he should therefore support it.

Mr. BARROW said, he was most anxious to uphold local authority, but the purport of the clause was to put the power into the hands of a small minority, and he could not vote for it.

Question put, "That Clause 2 stand part of the Bill."

The Committee *divided*:—Ayes 198; Noes 62: Majority 136.

House resumed: — Committee report progress.

PAROCHIAL SCHOOLS (SCOTLAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. HADFIELD said, he must protest against proceeding with the Bill at that late hour. He could not understand the pressure in bringing forward the Bill. Last Session it had been read a third time in that House owing to a mistake, and in the other House only one had voted for it. There was great opposition to the principle of the Bill in Scotland, and on the 30th of that month there would be meetings throughout Scotland, when the Bill would be considered, and it was not delicate or just to the people of Scotland to put the Bill forward till they had given their opinion. He would not move the rejection of the Bill, but its adjournment for a fortnight.

Mr. BLACKBURN said, he did not intend to discuss the merits of the Bill, but it was one of the utmost importance to the people of Scotland, and the right hon. and learned Lord Advocate must be aware that it could not be read the second time without some discussion. At that hour it would be impossible to do justice to the question, and he thought the second reading should not be taken until after the forthcoming county meetings in Scotland. He, therefore, cordially seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Friday the 9th day of May next."

Sir JAMES FERGUSON said, the people of Scotland would consider, not the principle, but the details of the Bill in the meetings referred to. He, therefore, hoped the measure would set the question of education at rest, and would not oppose its postponement.

The LORD ADVOCATE said, that as there would be no strenuous opposition to the principle of the Bill, he hoped that this stage of the Bill might be passed, reserving the discussion to another opportunity.

Mr. F. SCOTT said, that the right hon. and learned Lord Advocate should not think that there was no opposition to his Bill on that (the Opposition) side of the House. He should support the Motion for adjournment. Many Scotch Members had gone down, or were going down, to attend their county meetings. He hoped this important stage of the Bill would not then be pressed.

Mr. W. LOCKHART said, that the Bill of last Session had been repudiated by its very supporters. He considered that the people of Scotland ought to be allowed to express their opinion before the second reading of the Bill was passed.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 90; Noes 47: Majority 43.

Question again proposed, "That the Bill be now read a second time."

Debate arising; Debate *adjourned* till *Monday* 5th May.

The House adjourned, at half after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, April 28, 1856.

MINUTES.] PUBLIC BILLS.—1ª Bankruptcy (Scotland); Marriage Law Amending.
3ª Exchequer Bills (£21,182,700).

MARRIAGE LAW AMENDMENT BILL.

LORD BROUGHAM, in *presenting* a Bill for amending and declaring the Law of Marriage, said, that he would, in the first instance, call the attention of the House to the most important petition which he had presented the other evening from the Cumberland magistrates, relating to the conflicting nature of the law of marriage as existing in England and in Scotland. The country was already under great obligation to those intelligent and upright magistrates for the great service they had done by a petition which they had presented, through him, several Sessions ago, and which ultimately led to a great improvement in the criminal law; for, owing to their perseverance, his noble and learned Friend (the Lord Chancellor) and himself had each brought in a Bill. An amalgamation of the two was made, and the Summary Jurisdiction Bill received the sanction of the Legislature, to the great relief of the Judges and the great improvement of the criminal law. He hoped they might now owe to them and to their petition another improvement in our law—he meant the Marriage Law—by removing the conflict of the laws on that subject which prevailed in the two countries of England and Scotland. In 1835 he had the honour of bringing the subject before their Lordships' House, when a change in the law was generally desired, not only in this country, but by the community, the bench, and the bar in Scotland. That was at the end of September, so that nothing more could that Session have been accomplished. Illness, the next year, detained him from his Parliamentary business. But when he returned, in 1837, he found that he had not sufficient support or encouragement from those high quarters to which he had referred to justify him in presenting a measure on the subject, for a feeling had got abroad that it was but one step towards altering the Scotch marriage law, whereas it was only intended to remove the conflict between that and the English law. After a delay of ten years, in 1845, he again introduced the same measure, it being one of the nine Bills which he that year submitted to the consideration of their Lordships' House for the amendment of the law. Five of those Bills, he was happy to say, had been since passed into law, with more or less difficulty—including that grand and most beneficial change in the law by which parties in civil suits, one class of cases excepted, were allowed to be examined as witnesses. The other four had not yet received the sanction of the Legislature, among which was his Marriage Bill, and which he considered to be the most important of the four. He considered that, in consequence of the great complaints set forth by the Border magistrates, now was a fitting time for once more pressing the measure upon the attention of their Lordships. He was quite aware that it might be said that there were other amendments equally required in the marriage law; but, as at present advised, he was content to postpone those other Amendments, and to rest satisfied in endeavouring to remove the conflict of the law in the two countries. There were two objects which he sought to effect by his measure—first, to prevent the evasion of the English marriage law by parties removing across the Scotch border, and there contracting a marriage prohibited in England, but valid according to the law of Scotland. It was a very great defect in Lord Hardwicke's Act that it did not require absolutely the consent of the parents and guardians to constitute a legal marriage in England. It was another defect that he did not extend his law to Scotland; and it was a further defect that he did not provide against the evasion of the statute by the parties removing to Scotland. That evasion was one which in every respect was to be disapproved and deprecated. No doubt there was another defect in allowing marriages to be valid by a mere publication of banns. In small towns and country villages such publication might be effectual; but in large towns and cities, where 100 or 150 banns were published in one church of a Sunday, the law was a mere dead letter. The present Bill consisted of two parts. By the first it was enacted, that if Scotland were not the birth-place or domicile of the parties, three weeks' residence in that country should be a condition precedent to the validity of the marriage. The second part of his Bill related to the subject of divorce. From the conflict of the laws of the two countries on this subject there resulted this grievance: that a divorce which was looked on by the law of Scotland as complete, and as dissolving the marriage wheresoever contracted, was invalid as to an English marriage by the law of England. In consequence of this conflict of the laws, a husband had been convicted of felony for having married a second time in England, after having obtained a Scotch divorce. If he had contracted the second marriage in Scotland, he could not have been punished at all. But even in the latter case the issue would not escape the risk of having their legitimacy contested. His opinion had always been, that the issue of a marriage so contracted by English parties in Scotland, after a Scotch divorce, ought to be legitimate in England, as they were undeniably legitimate in Scotland; but the consequence of the existing state of things was, that it constantly raised doubts as to rights on which no doubts should be allowed to exist. He therefore proposed to put an end to those doubts by giving validity, in certain circumstances, to the Scotch divorce of a marriage contracted in England, and by giving legitimacy to the issue of a re-marriage contracted after a Scotch divorce. One of the most important matters to consider was the length of the domicile which should be required to give validity to a Scotch divorce of an English marriage. He might mention that, in the case of *Warrender* v. *Warrender*, the House of Lords had held that the marriage was a Scotch marriage, although it had been contracted at Richmond, in England. He proposed to fix twelve months' domicile in Scotland as the period to entitle English parties to obtain a divorce in Scotland, and he proposed to give validity to the second marriage, and legitimacy to the issue of any such second marriage, and to declare that a person legitimate in Scotland, as in the case of legitimation *per subsequens matrimonium*, is legitimate everywhere. On this point he had differed with the learned Judges here in *Doe v. Vardell*, but his opinion was confirmed by the authority of the greatest jurists in Germany, Holland, and America, and by Mr. Justice Story, the author of the greatest work which had ever been written at any time, or in any country, on the subject of the conflict of laws. He trusted that the House would agree with him in thinking that it was now fit time that a law should be passed to put an end to a state of things by which the same person might be legitimate in Scotland and a bastard in England; nay, more, by which the same person might be legitimate in England when he went to the Court of Chancery to obtain personal property, and a bastard when he went to the Court of Queen's Bench to claim real estate. What he thought the law ought to be was this: They ought to make it certain when a person was legitimate by the law of the country of his birth, that he should be held legitimate all the world over; and when he was illegitimate by the law of the country of his birth, that he should be held bastard all the world over. These were the heads of the measure, which had been twice already before their Lordships, and he hoped that they would now give it their support. But the pressing part of the measure was to prevent the daily evasion of Lord Hardwicke's Act on the Scotch border, so justly complained of by the Cumberland magistrates, without any change of the marriage law of Scotland. He understood that his noble Friend (the Earl of Aberdeen) was only opposed to any alteration in the law of Scotland on the subject of marriage. The noble and learned Lord concluded by moving, that the Bill be now read the first time.

THE EARL OF MINTO said, he perceived with regret that the remedy proposed by the noble and learned Lord would be confined to the grievances felt on one side of the border only, and would leave Scotland still exposed, as it was now, to the intolerable evils which were caused by the present state of the law. He was sure that a mere recital of the law of Scotland on the subject of marriage would be enough to convince their Lordships that some remedy must be provided. He desired only some means by which it should be ascertained, upon certain evidence, whether or not a contract of marriage did really exist, in any particular case, between the two parties.

Bill read 1ª.

THE TREATY OF PEACE.

The Earl of CLARENDON: I rise, my Lords, to lay on the table of your Lordships' House a copy of the Treaty of Peace concluded at Paris, which has been signed by the Plenipotentiaries of England, France, Russia, Austria, Prussia, Sardinia, and Turkey. The ratifications of this treaty were exchanged yesterday, and have been received to-day. There are three separate conventions annexed to it, which will also be printed with it. There is also a declaration respecting maritime law, and the course to be pursued with reference to neutrals during time of war, which has been signed by the Plenipotentiaries on behalf of their respective Powers.

Lord BROUGHAM: To do away with privateering?

The Earl of CLARENDON: Yes, I have likewise to lay before your Lordships copies of all the protocols of the sittings and conferences, during the time of the session of the Congress at Paris; and I have now further to move, that this treaty be taken into consideration by your Lordships on this day week.

THE IRISH MAIL SERVICE.

Viscount DUNGANNON said, he wished to put two questions to the noble Duke the Postmaster General; first, whether there was any prospect of steamers of greater size and power than those at present employed being established during the next summer between Holyhead and Kingstown? and secondly, whether it was the intention of Government to establish steam-packets between Portpatrick and Donaghadee? Under the present arrangements, letters which came from England by the night mail were seldom delivered in Dublin earlier than Twelve o'clock in the day. He also remarked that the use of larger and more powerful steam-boats would tend to prevent accidents. With regard to the subject of his other question, he urged it on account of the increasing traffic between Scotland and the north of Ireland.

The Duke of ARGYLL said, that great attention had been given to the object of accelerating the communication between England and Ireland by the noble Viscount who preceded him in the office of Postmaster General (Viscount Canning), and although no definite arrangement had yet been come to for the acceleration of the Irish mails, yet the Post Office, the Treasury, and the Admiralty, which were the departments concerned in it, had agreed as to the conditions which it would be necessary to lay down for the better and more efficient postal service between this country and Ireland. He could not indeed state that the improved arrangements would be carried into effect this summer, but he had hopes that it would be done shortly. Several proposals had been made, which would be perhaps convenient to Dublin, but would not be so convenient to the more distant provinces of Ireland. He thought, however, that some deputations which had lately come to the Government on the subject had been satisfied with the representations that were made to them by Mr. Wilson, the Secretary to the Treasury. One of the conditions laid down by the Government was, that the passage between the London terminus and the Dublin terminus should not exceed eleven hours. As for the other question of the noble Lord, there was no measure in contemplation of the Government for establishing steam-boats between Portpatrick and Donaghadee.

The Earl of WICKLOW expressed his satisfaction at the statement of the noble Duke, but urged him to bear in mind that if sufficient attention were not paid to the convenience of passengers, the arrangement would result in a very considerable loss to the Government. He wished to remind the noble Duke that when the late Sir Robert Peel was in office, a very large and influential meeting of Irishmen and Welshmen unanimously recommended that there should be only one postal communication between England and Ireland, provided it received the support of the Government, and that all the other communications should be given up. The Government did patronise and assist that one communication; and upon an understanding that the recommendation he had mentioned would be adhered to, the Holyhead railway was undertaken, and a new packet system adopted between the two countries.

The Earl of EGLINTON said, that two communications had, in fact, existed between the two countries ever since the establishment of the present railway system; and it was impossible to give up the communication between the northern ports of England and Ireland.

The Bishop of CASHEL also deprecated any arrangement by which only one line of communication would be established, and urged the expediency of establishing a line of communication with Waterford and the South of Ireland.

AUSTRIAN OCCUPATION IN ITALY—MOTION WITHDRAWN.

The Earl of CLARENDON: My noble and learned Friend (Lord Lyndhurst) has given notice of a resolution with respect to the occupation of a portion of Italy by the Austrian troops, and I take the liberty of asking him to postpone his Motion for the present. I need hardly say that I do so on public grounds alone, but if he consents, I think he will be more likely to promote those interests which he as well as myself has at heart.

Lord LYNDHURST: After the appeal which my noble Friend has made to me, I will not proceed with the Motion upon which I have given notice at present. But I beg leave to add that I shall observe with considerable anxiety the course which is intended to be pursued to put an end to the intolerable grievances and misgovernment under which the people of Italy have been so long suffering.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Monday, April 28, 1856.

Minutes.] Public Bills. — 1° Coalwhippers (Port of London); Testamentary and Matrimonial Jurisdiction.

CONSTABULARY FORCE (IRELAND)—QUESTION.

Viscount CASTLEROSSE said, he wished to ask the right hon. Gentleman the Chief Secretary for Ireland whether the Government intended to introduce any measure, during the present Session, to enable them to alter the relative proportion in which that portion of the constabulary force charged upon the Consolidated Fund is at present distributed among counties in Ireland; or to apportion the burden of supporting the supernumerary force upon a more equitable principle than that which regulates the present system?

Mr. HORSMAN said, the Government had had the question under consideration, and had come to the conclusion that a more equitable distribution than that which now existed might be made with reference to the Irish constabulary force. However, it would require the operation of an Act of Parliament to carry out the proposed change, and if the state of Irish business in that House admitted of his doing so, he should be prepared to introduce a Bill for that object.

TREATY OF PEACE.

Viscount PALMERSTON: Sir, by command of Her Majesty I now lay on the table the Protocols of Conferences held at Paris, the General Treaty of Peace between Great Britain, France, Austria, Russia, Prussia, Sardinia, and Turkey; and the Declaration respecting Maritime Law. One of the papers which I have just presented in the copy of the Treaty of Peace, the ratification of which I beg to inform the House was exchanged at Paris in the course of yesterday. I now beg leave to move that those papers be taken into consideration on Monday next.

Motion *agreed to.*

DAY OF THANKSGIVING.

Viscount PALMERSTON: Sir, I wish to mention that Her Majesty has appointed by an Order in Council Sunday next as a day of thanksgiving for the return of the blessings of peace; and I beg to move that the Rev. Thomas Garnier, the Chaplain of this House, be desired to preach before the House at St. Margaret's, Westminster, on that day.

Motion *agreed to.*

THE FALL OF KARS.

Mr. WHITESIDE rose to move the following Resolution:—

> "That, while this House feels it to be its duty to express its admiration of the gallantry of the Turkish soldiery and of the devotion of the British officers at the siege of Kars, it feels it to be equally a duty to express its conviction that the capitulation of that fortress and the surrender of the army which defended it, thereby endangering the safety of the Asiatic provinces of Turkey, were in a great measure owing to the want of foresight and energy on the part of Her Majesty's Administration."

He said, I crave the indulgence of the House while I endeavour to prove that this Resolution ought to be affirmed by its vote. I have slender claims upon the notice of hon. Gentlemen present, but it is my hope that, owing to the importance and magnitude of the subject, I shall receive their considerate attention. Upon an inquiry into the fall of Kars it will be impossible to escape from a discussion of the circumstances and policy which led to that disaster; and if in the progress of our inquiry it becomes necessary to observe on the political conduct or the political character of public men, that duty, however disagreeable, must be performed, as essential to the interests of our country. The hon. Gentleman who opened our proceedings at the commencement of this Session in an eloquent and graceful speech alluded to the condition of a Minister who should terminate a glorious war by a glorious peace. He said, and with some truth, that such a Minister might be content thereafter to reckon his victories and repose upon his laurels. The joyful expectation of that hon. Gentleman I am reluctant to disturb. Nevertheless, mine must be a gloomy retrospect. I have to recall the attention of my hearers to splendid opportunities, I fear, lost for ever—to the sacrifice of a gallant army—to the abandonment of the bravest of our countrymen, to the military triumph of Russia, to the disappointment of the fond hopes of the nation. The attitude exhibited by Parliament during the last few months must, I apprehend, have produced in the States of Europe a feeling of respect for representative government—calm, dignified, forbearing—abstaining from comment or debate upon political questions of the deepest interest so long as debate or comment might be prejudicial to the public service. But that forbearance must not be confounded with indolence or apathy. This House can be alive and active in the performance of its duty—in the assertion of its authority when the suitable time arrives; and that suitable time has come. This question cannot be affected by vague allusions to the French alliance, in which we rejoice, but as free discussion is the life of our Parliamentary system, it would be an inconvenient result of any continental alliance, if it should muzzle the Members of a free Parliament, and stifle discussion upon subjects uppermost in the minds of the people of this country. French writers have not hesitated to publish that the war in Asia Minor more peculiarly affected English interests, and if so, they will think the better of us for guarding those interests with watchful care. The fall of Kars is an accomplished fact—we seek to explore the causes of that event; to discover, if we can, and then to censure according to the demands of justice, those who have contributed, by want of foresight and energy, to that fatal disaster. Nothing conduces so much towards a sound judgment upon any disputed question, as a clear perception of what does and what does not belong properly to the subject of the discussion. It does not demand an inquiry into the origin of this war, it admits the war to have been just, and even adopts the definition given of it, namely, that it was a defensive war, waged in maintenance of the integrity, and in preservation of the territory, of the Turkish empire. To defend the Turkish dominions from Russian invasion was a primary object of the war, the best mode of securing the future independence of Turkey being the political problem to be solved—if, indeed, in the defence of her Asiatic provinces, and in securing, by the expulsion of the Russians, the future safety of Turkey in the East, a vast benefit would accrue to Persia, and the tranquillity of our Eastern empire might be promoted, these great facts only heighten the importance of our investigation. Sir, I can conceive no responsibility more awful than that which a Minister of the Crown undertakes when he advises his Sovereign to embark in what may be a bloody and protracted war. No great war ever left a nation in the same condition in which it found it, and, therefore, the advantage to be derived ought to be proportionate to the possible sacrifices made to obtain it. I can conceive a Minister, from whom his Sovereign would ask advice as to whether she should embark in war with Russia, revolving in his mind the answer he should give to his Royal Mistress. I can conceive that Minister retiring to his closet, glancing at the history of Russia, reviewing the provinces she has annexed, the kingdoms she has incorporated, the countries she has conquered. I can conceive him then turning his eye on the map of Russia in the East—the eye of a statesman—and rising from the contemplation with feelings of consternation and amazement—consternation at the result—amazement at the infatuated policy which endured it; and I can conceive that Minister arriving at the clear and satisfactory conclusion, that it was his duty to his Sovereign to advise her, under God's blessing, to grapple with an enemy to be submitted to no longer. The question before the House cannot be commenced at once with the contents of that Blue-book. There are arguments historical, political, geographical—all tending to prove that, if war broke out between Russia and Turkey, it was the paramount duty of a Minister who understood his duty, to assist, in reference to war in Asia Minor, at the right time, with the right means, the Power that was contending in truth on the side of English interests. About thirty years ago was published, by an experienced officer of the Company, a tract, called *England, Russia, and Persia.* The object was to point out what ought to be the true policy of England in reference to Persia: he advocated no aggressive policy; he did not advise any conquests or aggressions, but he said it was the first duty of England, by judicious counsels, by the employment of experienced agents, to teach Persia to develope her resources, to strengthen her army, and so to obtain by moral means such influence over her Government as to constitute that kingdom, what he argued she was by nature, the great barrier against Russian aggression in the East. The Whigs adopted that argument, but, at the same time, I think they pushed it to excess. The expedition to Affghanistan was justified upon that ground. Sir John Cam Hobhouse, whose scholarship I have had the opportunity to enjoy and to admire, and who possessed a full knowledge of the affairs of the East, went the length of contending that, if it were discovered by a British Minister that Russia sought to obtain influence over Persia and gain possession of Herat—which he called the gates of India—it would be justifiable to make war and invade the country which adopted that policy. He said it was mighty ridiculous—that was the phrase he used—on the part of Gentlemen who sat on the Opposition side of the House to wait until Russia or Persia acted; it was the duty of England to extend war into the country of the Power which was discovered to have that design. He used a sentence which I may be permitted to read:—

> "The intervention which I particularly allude to was the intervention on the part of the representatives of the Cabinet of St. Petersburg, which was totally incompatible with the very safety of India. Count Simonich advised the advance upon Herat. Hon. Gentlemen are now so familiar with the importance of that city and State, from its position in Central Asia, that it is unnecessary for me to dwell on it. This, however, I must state—that the best authorities had laid it down as an indisputable fact, that that city and its immediate dependencies are the most important of all the cities and States of Central Asia; and that the master of Herat is in a position, both in reference to Persia and to the Affghan States, to hold the balance, if he has any considerable power, between the parties who might contend for empire much further, and with much greater proximity to India. But Count Simonich did not confine himself to giving advice. At the very time that the English Minister, in consequence of instructions from Lord Palmerston, retired after fruitless endeavours to prevail upon the Shah to relinquish his intentions, Count Simonich remained in the neighbourhood, and actually, it might be said, superintended the siege; and an officer of distinction, who had been in the Russian service, assisted at the siege, and, I think I recollect, was killed there. But it did not stop there. The intervention of Russia did not stop with the mere appearance of the Russian Ambassador at the siege of Herat. Forsooth, a treaty was entered into—it will be found in the papers before the House—by which, in the most summary way, the lawful Sovereign of Herat (the real representative of the ancient dynasty) was to be dethroned, and his dominions were given to one of the Princes of Candahar, a brother of Dost Mahomed. By that treaty an entire change was to occur in the whole of that important part of Central Asia; and who does the House of Commons think was the guarantee of that treaty? No less a person than the Russian Ambassador, and I hold a proof of it in my hand."

That was the line of argument by which a sanguinary war was justified. In the course of the same discussion a letter was read from Sir A. Burnes to my unfortunate but not undistinguished fellow countryman, Sir W. M'Naghten. That eminent Indian officer thus exposed the Russian policy in the East:—

> "It is clear that the British Government cannot with any credit or justice to itself permit the present state of affairs at Cabul to continue. The counteraction applied must, however, extend beyond Dost Mahomed Khan, and to both Persia and Russia. A demand of explanation from the Cabinet of St. Petersburg would, I conceive, be met by an evasive answer, and gain for us discredit. Besides, the policy of Russia is now fairly developed and requires no explanation, for it explains itself, since that Government is clearly resolved upon using the influence she possesses in Persia (which is as great there as what the British command is in India) to extend her power eastward. It had better, therefore, be assumed at once that such are her plans, and remonstrate accordingly."

No political writer whom I have been able to consult—no experienced officer of the Company—has ever argued that you can consider the question of the interests of England in the East apart from the interests of Persia and Asiatic Turkey. They all hold it as a fundamental principle that the interests of those three States are not merely incidentally but substantially connected; and contend with irresistible force that the past history of Russia shows that when she wishes to make war on Persia she remains at peace with Turkey, and, on the other hand, when she wishes to go to war with Turkey she continues on good terms with Persia; because the combination of both those countries might be inconvenient to her rulers. The same authorities declare that Russia has steadily, for a hundred years, pursued her conquests in Persia on the Caspian, and those against Asiatic Turkey along the Euxine. After the peace of 1814, a promise was given to Persia to restore certain provinces of that State which Russia had unfairly acquired. Lord Cathcart endeavoured to obtain the fulfilment of that pledge at St. Petersburg, but failed, on the ground that Russia never surrendered what she had once gained if she could possibly avoid it. Subsequently, however, Russia said—Here is the Araxes, which forms a convenient frontier between us and Persia. Let that be our boundary, and we shall be content, and thus constant disputes will be avoided. An hon. Gentleman a few nights ago asked the noble Lord the Member for Tiverton whether he had taken any means to have a road completed between Trebizond and Bayazid for the advantage of commerce. If that hon. Gentleman ran his eye along the map from Trebizond to Erzeroum, and thence to Bayazid into Persia, he would find the town of Khoi, by which an entrance was given for our manufactures into Persia. There is no ford between that place and the Caspian, although a little above it there is, and there Russia has possessed herself of a strong fortress, called Abassabad. Russia's practice is to exact an indemnity from the power which she has provoked into war, and when that Power cannot pay, she seizes one of her provinces as a material guarantee. In this way she obtains a mortgage on Persia, and intends, at a favourable moment, to foreclose it.. Her geographical position also enables her, whenever she pleases, to arrest our trade with Persia, by seizing on the fortress of Khoi, as she did on Abassabad. This was the state of things in reference to Persia when war broke out in 1853. It is unnecessary to remind the House of the provinces which Russia extorted from Asiatic Turkey. The key of Russian policy is, that the vital strength of Turkey consists in her Asiatic provinces; and Russia being desirous of conquering Turkey, whenever she makes war against that Power, begins by striking at her in those provinces. The root of Russian power, as opposed to England's Indian empire, to Persia, and to Asiatic Turkey, lies in Georgia. The use of Imeritia to Russia is very trifling, and her sole object in securing a transit across the Caucasus is to complete the conquest of Asiatic Turkey and of Persia. Her troops, however, depend on the resources of Georgia, and to get there she has to cross the steppes of Southern Russia, then by the causeway constructed by the Empress Catherine, over the Caucasus, and then to pass through a rugged country occupied by fierce tribes. These obstacles render it difficult for her to maintain a sufficient force in Georgia to carry out her designs on Persia and Asiatic Turkey. When the late Emperor Alexander said he meditated no aggression—that he wanted no more territory—he could see, in the Black Sea, Poti, Anapa, and the river Rion. These gave Russia access close to Kutais; and then a macadamized road enabled her by a short cut to introduce an army and the munitions of war directly into Georgia, a thing otherwise impossible to her save by crossing the steppes of Southern Russia, and advancing through rough, perilous, mountain passes. Under these circumstances, when war breaks out between Russia and Turkey, an English Minister ought carefully to watch the state of things in Asiatic Turkey, as being of the highest concern to the permanent interests of England. It may be said that these are vague and unfounded apprehensions of the designs of Russia; but on this point the history of the campaigns of Paskiewitsch, in 1828 and 1829, is very instructive. That history discloses the policy of Russia and her agents, and shows how Paskiewitsch, in a wonderfully short space of time, seized the strongholds of Asiatic Turkey, conquered fortress after fortress, his only difficulty soon being to decide whether he should advance on Constantinople from Erzeroum, or march by the great rivers towards the vast countries lying near the Persian Gulf. Paskiewitsch marched towards Trebizond and took Khart. His instructions then were to co-operate with the Russian fleet in the Black Sea, and the common object of the Russian forces was to complete the conquest of Asiatic Turkey on the shores of the Black Sea. The roads were almost impracticable for artillery between Khart and Trebizond; and a foolish pasha, going out to fight the Russian general, was repulsed by him with frightful slaughter. Paskiewitsch then returned to Erzeroum, and laid out his plan for a future campaign, to accomplish the fundamental and cherished policy of his country. I am not in a condition to say whether or not that singular document—the will of Peter the Great—is genuine; but in the appendices to the Russian histories, to which I have referred, it is bequeathed to the successors of that monarch as a policy fixed and never to be forgotten — that they should march towards the East and conquer Persia and Asiatic Turkey; the same document declaring that the Power which rules in the East and at Constantinople must govern the world. I ought to have mentioned that the lieutenant of Marshal Paskiewitsch in his Asiatic campaigns was General Mouravieff, who fully comprehended the policy and objects of his chief; and Russia, always putting the right man in the right place, raised him to the command of the army that was finally to achieve the good work which Paskiewitsch left unfinished. These facts were all patent to the British Minister who had to advise his Sovereign on the course she should take at the outbreak of the late war. That war I understood to have been undertaken to defend Turkey from invasion, and to uphold, if possible, the independence of that Power for the future. The importance of the problem, as I have said, was only enhanced if in its solution were involved the tranquillity of both Persia and our Indian possessions. What, then, was our policy on commencing the war in 1853? A French friend of mine remarked to me, "I so admire the book of your Seymour (meaning Sir Hamilton Seymour), it is so droll." But there is an answer in it which is not droll—the answer given by Sir Hamilton Seymour to the memorable statement of Count Nesselrode, when the latter told him that it would be impossible to settle with Turkey until she had been calmed by a defeat. The reply of the English Ambassador was, that as the policy of his Government was for peace, that Government were more anxious for the end than for the means that would secure it. I own that I cannot see much to admire either in the morality or the expediency of such an answer. But, not to linger on this point, what, let me ask, was your first policy at the commencement of war? It was a repressive policy. In 1828 and 1829 Turkey was dispirited, enfeebled, prostrate; in 1853 her people were full of enthusiasm—they were eager for the conflict—they flung their money into the Treasury, and the rich took their horses from their carriages to draw the artillery. There was a general impatience of diplomacy, and the universal feeling was, that if Russia wished to negotiate she could do so as well on the banks of the Pruth as on those of the Danube. The day of conflict had arrived, and the Turks could see no reason why the struggle should not take place on the battlefield which from its position they deemed most favourable to their cause. England prevented this, and no doubt had a policy to serve in so doing. I mean not now to call in question the propriety of her conduct in that respect; but this I do not hesitate to assert that, having for your own purposes prevented Turkey from taking the field when she was herself convinced that her time had come to strike—and to strike hard—at her remorseless enemy, every consideration of duty, honour, and magnanimity bound you to assist her afterwards in her extremity. The war broke forth in 1853. Is it conceivable that any Minister of the Crown can have seriously believed that Turkey in Asia was at that time able to contend, unaided and alone, with the trained battalions of Russia? If so, upon what plea of precedent, upon what pretext of experience, upon what ground of history can such an opinion have been formed? Surely, it cannot have been warranted by the result of the battles of 1828 and 1829, or by any other passage in the history of Asiatic Turkey. It is impossible that any Minister of the Crown can have entertained such an idea, or, if he did, this House would not have been justified in attaching any weight to his opinions. Turkey was, as might have been expected, defeated in several pitched battles; her army was disorganised—shattered to pieces. How was it restored to discipline and efficiency? Solely through the efforts of Guyon. Guyon, the most brilliant soldier, as he is undoubtedly one of the purest patriots of modern Europe, was brought from Damascus; and he it was who, in 1853, inspired the army of the Sultan with fresh hope, renewed its organisation, and restored it from being a rabble to something like the power and efficiency of a military force. In 1854 one of our countrymen, Mr. Ducan, for the mere love of the thing, visited Asiatic Turkey, and was present at the battles fought in that year, which he has graphically described. Of course Russia carried all before her. Our unfortunate ally was defeated, and sustained a signal reverse at Bayazid. The first object of Russia was naturally to impede the commerce of England with Persia, and in this she now completely succeeded. The army at Batoum was overthrown. On Sunday, the 6th of August, 1854, was fought the battle of

Kurukdere. The disaster to the Turkish army was complete; although it was the opinion of many, not unskilled in military tactics, that had the advice of Guyon been adopted the result would have been very different. On that occasion the artillery of the Turks was commanded by Tahir Pasha, an officer who, notwithstanding the aspersions cast upon him in this Blue-book, has long enjoyed a reputation, brilliant, indeed, yet not beyond his merits, for he was educated in England, and I am assured by those who had an opportunity of knowing him in this country that his natural talents are of the highest order, and his knowledge of his profession sound and practical. So effectively was the artillery worked under his command that I am credibly informed that the loss to the Russians on that eventful day was 3,025. Such was the consequence of having a well-served artillery. The army fled to Kars, and here arises a very important question of fact to cast a light upon the policy of the Government. It has been often asked how it happened that the army, victorious at Kurukdere, did not pursue the routed and disorganised force, take Kars, and destroy the remnant of the Turkish power in Asiatic Turkey? The reason was that Schamyl, of whom we have often heard, but whose present whereabouts appears to be enveloped in mystery, at a critical moment invaded Tiflis in the rear of the Russian army and stayed their further progress. The effect of that sudden and impetuous foray upon Tiflis, which, as every one knows, is the capital of Georgia, stands upon a plain, and is not fortified, was to compel the Russian general to divide his forces, with a view to the protection of the town, thereby saving the remnant of the Turkish army from utter annihilation. All military authorities, with the exception of the noble Lord at the head of the War Department, lay it down as a cardinal maxim that as Russia invariably strikes at Turkey in her Asiatic provinces, because she knows that her strength lies there, so if you would strike at Russia you should aim a blow at her in Georgia, which is the root of her power. By this means, if her army is in advance you can compel it to retreat, in order to cover and protect the capital of her power. When, according to this policy, Schamyl rushed upon Tiflis in 1854, he coerced the Russian army to divide its forces, and by this means rendered it impossible for it to perform what its leaders had proposed to themselves. It will be admitted by the most casual and thoughtless observer that when these events had come to pass it was full time for the English Minister to put himself in motion; and so he did. He looked around him, and began to concoct materials for this Blue-book; and certainly it is one of the most extraordinary productions that has ever seen the light. Turkey having been defeated in five pitched battles, and her case being as calamitous as can be well imagined, it was resolved by the English Ministry to send out a Commissioner, who was directed, by Lord Clarendon's first letter, to pick up what political information he could, and communicate it to the Foreign Secretary, Lord Raglan, and the British Ambassador at Constantinople. He was likewise to report on the condition of the army. He was to leave England on the 4th of August. The next day—or, it may be, the very same day—the Foreign Secretary wrote a second letter to him, apprising him that it would also be his duty to restore the Turkish army to efficiency by all the means in his power. Unfortunately, the noble Lord at the head of the Foreign Department forgot, or neglected to mention, what means for that purpose were at the command of the Commissioner. Except his indomitable courage, his innate energy, his sense of duty, his mother wit, and his English heart, I know of none that were at his disposal. Instead of powder and shot, they provided him with a plentiful supply of paper and ink, and I will do him the justice to say that from the moment he reached Erzeroum he bombarded his correspondents as vigorously, though not, unhappily, with so much success, as he has ever done the Russians. The House will not fail to admire the notable expedient of regenerating Turkey by means of a Commissioner, to whom was confided the task of collecting information with which the Government ought themselves to have been acquainted. The passage in Dr. Sandwith's narrative in which he describes the duty assigned to the Commissioner and how he performed it, is as well worth reading as anything in that interesting volume—

"The duties of a Commissioner accredited to a foreign army are simple enough—he has but to report on events as they occur. Had General Williams confined himself to this, it is probable that there would have been no Ottoman army in the ensuing campaign. What then did he do? He saw a most vital point—the key of Turkey in Asia—defended by an army alseady ruined by its own officers, and dissolving under a system of misrule and peculation. He at once interfered, thereby committing a breach of etiquette, but saving Asia Minor."

May God bless him for that, say I. If that Commissioner had been in the Crimea and had seen 10,000 soldiers perishing with cold opposite to the store in which were the garments to clothe them, but the keyhole of which was stopped with red tape, he would have kicked open the door and saved the lives of the troops. Had he had the care of the limejuice he would, without an order, have distributed it to his countrymen before they were plunged in the charnel-houses called hospitals to die for want of the relief. No doubt he had these high qualities, but is this, let me ask the House, the way in which a Foreign Secretary ought to send out a gentleman to assert the authority of England, to vindicate her power, and to assist her ally? Hence arose his first difficulty; because no one knew what he was. The vagueness of his commission gave rise to diputes and was certainly the cause of much inconvenience; for a long time nobody could tell exactly what this extraordinary Englishman was, who had appeared suddenly at Erzeroum and did everything without asking any one's permission. I think a commission which means "Do what you can, but you have no authority from me to do anything; if you do anything wrong I will disown you; if you do anything energetically, and successfully, I will take the credit of it; but I will undertake to say that as long as you are there nobody shall, from my instructions, ever be able to say why or wherefore you are sent there"—is not such a commission as the foreign Minister ought to give to an English gentleman who was sent upon a service so difficult and so important as that which was assigned to Colonel Williams. I admit that it is said in the first paper, "Lord Raglan will give you your instructions." Where are those instructions? How many are the suppressions in this Blue-book? Is anything like Sir Alexander Burnes's despatches, the ungarbled correspondence of an officer in the East, to be published, that you may make sense of this book? If Lord Raglan corresponded with Colonel Williams I have no doubt he wrote what it would be most valuable for us to know. If he did give him instructions, where are those instructions? If he did give him advice, where is that advice? Under the present system, the Minister whose policy is impeached is permitted to prepare the evidence by a careful selection and sifting of extracts of which this House may make what it can; and I think I am entitled to infer that if any instructions were given by Lord Raglan they would tell against the Government, because they do not appear in this Blue-book. Had they told in favour of the Government, they would certainly not have been omitted from the papers presented to Parliament. This Blue-book I divide into three parts. The first portion, including 160 pages, refers to the extraordinary discussion or dispute between our incomparable Ambassador at Constantinople and the Queen's Commissioner. We have afterwards a narrative of the events which occurred between the 5th of March and the end of July; and we have, thirdly, the memorable despatch of Lord Clarendon, dated September the 7th, which for ever put an end to all hopes of relief which had been entertained by our beleaguered countrymen and allies in Kars. All these portions we must carefully consider, because it is said that this Blue-book makes out a strong case for the English Ministry, and proves that there was abundant foresight and surprising energy in the conduct of the war in Asia Minor. If any hon. Gentleman, having examined these papers, can lay his hand upon his heart and say that he is of that opinion, of course it will to-night be his duty to vote for the Ministry. It appears that the Commissioner was well received by the Ambassador, and separated from him on kind and friendly terms. The Ambassador gave him all the despatches which had previously been sent to him from the Consuls of Asia Minor, and the Commissioner availed himself of that opportunity to learn—what he never could do from his instructions—something of the state of things which existed in the country in which he was appointed to serve. It is remarkable that in the first page of this Blue-book the important principle of not separating Turkey from Persia is referred to by Lord Stratford, because he draws attention to the fact that Bayazid has been occupied by the Russians, and the commerce of England with Persia interrupted as a matter of course. During the month of August there is little to observe upon, except that it is laid down as a principle by Commissioner Williams, that the first thing to be regarded in carrying on the war in Asia Minor and assisting Turkey is the state of her magazines, upon the simple principle that, unless you feed a man he is not likely to be able to fight. He says—

> "The first thing I shall do will be to ascertain the state of the magazines, if any exist in Erzeroum, and to apprise your Lordship accordingly."

That is quite right, because it would be rather inconsistent to affect to assist an ally, and at the same time to leave him to starve. Consequently, it was a cardinal matter to ascertain what was the state of the supplies in the country, and whether it was possible to assist our ally and to preserve the Asiatic provinces for the country which we wished to uphold. I observe that Lord Clarendon was alive to the importance of the subject, because, on the 22nd of September he writes—

> "Her Majesty's Government must again protest against this disregard of the Sultan's interests, and they have a right to complain of the total disregard of their advice with respect to a fit commander in that portion of the Sultan's territory which must become the theatre of important operations."

Lord Clarendon wants a first-rate general. If he finds such a character in the course of his travels, I hope he will catch him and bring him over to England; we shall be glad to receive him. Independently of the requirement of a first-rate general, he admonishes Lord Stratford of the fact that the next spring—this is the meaning—Asia Minor will be the theatre of important operations—important operations on the part of whom?—on the part of the Government he represented; for I presume, situated as he was, he could not speak so exactly for the Government of the Sultan. Then the sensible advice is given by Lord Stratford—

> "Employ the dead months of the year in coming to a decision as to what may best be done, in order to make the next campaign in Asia more successful than the last."

That is the advice of our Ambassador, and very sensible advice it is. Subsequent letters show how conscious the Minister of England must have been of his duty, for over and over again he tells the Commissioner, "You must reform that army—you must remodel these before our troops join them." I will presently ask what he meant by writing on the part of the Government about a thing which he was resolved should never come to pass. There was abundant time to save Turkey in Asia. In the next letter Lord Stratford says—

> "On looking back, with the view of establishing a balance between loss and gain, we may easily perceive that if opportunities, as is alleged, have been thrown away, and much waste of life occasioned by mismanagement, the enemy has made no conquest, and supposing the war to continue, there is reason to hope that, if past experience be turned to account, a new campaign may be entered upon with fair prospects of success. The reasons for standing on the defensive will, in all likelihood, cease to exist, and it may be hoped that the Allies will be at liberty to direct a large portion of their attention to the Asiatic frontier, and other adjacent provinces of Russia."

It clearly and distinctly appears that it was in the mind of our Ambassador, as it was in that of Lord Clarendon, that there should be a campaign in Asia Minor in the ensuing spring. It also appears that at first Lord Stratford was on good terms with the Commissioner, because, writing in October, 1854, he describes the first reports of the Commissioner as being "fair and temperate." Now, Sir, what did our Commissioner do? The very day on which he arrived at the head-quarters of the Turkish army he wrote long despatches, describing the constitution of the army, the state of the hospitals, and the condition in which he found things; and, above all, he warned Lord Clarendon that there were due to the soldiers fifteen, seventeen, eighteen, and nineteen months' arrears of pay. From that time (the month of September) forward he does not cease to impress upon the noble Lord the cardinal fact that the intercourse with Persia was interrupted, and like every other military man, whose duty it was, calls the attention of the Government to this as a matter of importance, not merely to Asiatic Turkey, but to our relations with Persia. Until the month of December, I do not find in the Blue-book any trace of a quarrel with Lord Stratford de Redcliffe. In human inquiries we are often perplexed to discover the motives which have led to certain actions. If, therefore, any hon. Gentleman supposes that I am about to explain the motives of Lord Stratford de Redcliffe, I wish as speedily as possible to remove that pleasing delusion. I profess myself utterly unable to understand his motives, utterly unable to justify or to comprehend his conduct. Having myself a conscientious opinion upon this subject, I am not, because some of my political friends agree in opinion with Lord Stratford de Redcliffe, about to ask the House to censure the Government and to shelter a man who deserves that censure, not so much as they do, but still who unquestionably deserves it. Let us, however, ascertain the exact truth as to the facts. I defy any man to ascertain the motives for some of the things which are in this book reported to have been done. In December, 1854, the quarrel began; that is, if it can be called a quarrel, when one party gave no cause of offence to the other, and when the one who seemed to be incensed with the other concealed his feelings, and never explained why or wherefore he should have those feelings towards the gentleman with whom he was directed to correspond. Let us understand the relation in which these persons stood towards each other. Lord Stratford de Redcliffe, as the ambassador of England at Constantinople, is ordered by his Government to correspond with Mr. Commissioner Williams, to whom he is also directed to give his countenance and support. Commissioner Williams is ordered to correspond with Lord Stratford, and Lord Stratford is commanded to forward his despatches to the English Government and to Lord Raglan. It was at first arranged that the Commissioner should write to Lord Raglan, Lord Raglan to the Ambassador, the Ambassador to the Foreign Secretary, and the Foreign Secretary back to the Ambassador at Constantinople. Fortunately, Lord Clarendon discovered in time that this would prevent anything being done, and he said that the Commissioner might correspond with the Ambassador directly, and not circuitously through Lord Raglan. So he did. He did accomplish wonders for the time. He was joined first by Major Teesdale—a name never to be mentioned but in terms of honour—and two other British officers were afterwards added to the party. I wish to do the fullest justice to Her Majesty's Government; I will not willingly deprive them of anything which is their due, and I admit that they did contribute to the war in Asia Minor, as between the Turks and the Russians, four men and a doctor—and no more. I defy any man—let him ransack this Blue-book through from one end to the other—to say that anything in the way of assistance was extended by this great and powerful empire to an ally whom it was said we wished to save, beyond four men and a doctor; but such men they were as are rarely met with. They did more for you, to give you an honourable peace, to save you from ignominy, to maintain the honour and to sustain the power and reputation of England, than all the Members of Her Majesty's Administration put together. They occupied themselves in trifling, resisting, evading, denying, hesitating, vacillating always, while these noble specimens of our race and country, under difficult and trying circumstances, gained the affections of an army which was ready to follow them to the death, declaring that such leaders they had never seen before—an army which endured all the horrors of famine, sustained by the words, and fired by the example of those gallant men whom you abandoned to a dismal fate. In December, 1854, I collect from these papers, Mr. Commissioner Williams had addressed I can hardly say how many despatches to Lord Stratford de Redcliffe at Constantinople. On December the 8th, we have what is called—I don't know whether it is ironically or not—an extract—it is certainly a very copious one—from Brigadier Williams's despatches, in which he states his grievances. He says—

> "Since I fulfilled the duties confided to me as Her Majesty's Commissioner to the head-quarters of the army of Kars, I have had the honour of addressing to your Excellency fifty-four despatches, identical with those forwarded simultaneously to the Earl of Clarendon and General Lord Raglan. Each packet has been accompanied by a private letter containing details and suggestions, which, had they found place in my public communications, would have inconveniently lengthened those documents.
>
> "On the 23rd of September I was honoured by a private letter from your Lordship, appealing to my 'spirit and humanity,' relative to the captivity of those unfortunate Russian ladies who had then recently been seized and carried into the mountains by Sheikh Schamyl, the Circassian chieftain. Since the above date I have not been favoured with a line by your Excellency, even with an acknowledgment of the reception of my public or private communications. To one who has served your Lordship for so many years, such an avowal on my part can only be recorded with feelings of deep disappointment and mortification—feelings which I have studiously endeavoured to conceal, even from my aide-de-camp and secretaries, because each successive post was anxiously looked for, in the hope of receiving answers from your Lordship on the pressing and important affairs connected with my mission to the head-quarters of the army of Kars."

Brigadier Williams here alludes to the Russian ladies who were carried off by Schamyl from Tiflis in the foray which I before mentioned. Lord Stratford's gallantry it appears was touched, and he wrote to the Commissioner on the subject, but carefully avoiding, however, all reference to business. I wish to state explicitly what the charge against the Ambassador is; for it may be that the character and position of Lord Stratford de Redcliffe will be affected by the vote of this House. I admit that this part of the inquiry is of a judicial character, and we must therefore examine the evidence carefully, as it may affect the Ambassador hereafter. There are three parties to be regarded—the Government, first, who are supposed to have authority over the Ambassador and the Commissioner; next the Commissioner; and lastly the Ambassador. The charge against the Ambassador is—that Brigadier Williams, who was contending against a complication of unparalleled difficulties, having addressed no less than fifty-four despatches to him on important matters connected with his duty, that that immovable man did not answer a single one of them—in fact, took not the slightest notice of him, or of his despatches. After the extracts which I have read, the Commissioner goes on to state all that he wanted, all that he asked for, and all that he did not get. All these wants, he says, he had detailed in private letters and despatches before. "With regard to the principal criminal," he says—

> "Zarif, Mustafa Pasha, who must, by his false muster-rolls and other dangerous deceptions, have caused the discomfiture and disgrace of any British force sent to his assistance, I leave him in the hands of the allied Governments."

To this last passage I request particular attention. Several times, through his despatches, the Commissioner refers to a promise which, I suppose, had been made to him in some document which does not appear in this book, that a British force should be sent to his assistance, and he is anxious to guard against anything which may tend to disgrace the British troops when they arrive. The extract concludes thus—

> "And, having made this appeal to your Lordship in the name of Her Majesty's Government, it is my duty to state distinctly that I shall not be able to give such intelligence to my superiors as is absolutely necessary for them to be masters of; that I shall fail to preserve the power which I have (unaided) seized; and that I shall consequently not succeed in shielding the troops from starvation without my demands be complied with. If they be not, the dissolution of this army and the fate of Asia Minor will inevitably follow, and a golden opportunity be lost."

It is easy to see what was passing in the mind of that able and intrepid officer, when he told Lord Stratford that a golden opportunity would be lost. He was evidently looking forward to a moment when the British Government—rightly advised and fully comprehending their policy—would strike at Russia in Georgia through Tiflis, and when every Russian soldier would be extirpated from that province, which is the foundation of Russian power as against England, Persia, and Asiatic Turkey. That letter produced no impression on our Ambassador, and on the 6th of January Lord Clarendon wrote to him. I wish to state all that makes in favour of the Minister—and, when I say the Minister, I mean the Prime Minister especially—because in the course of the explanations given when the noble Lord opposite quitted office in 1851—an explanation, by the way, which explained nothing—the noble Lord the Member for the City of London told us that it was the duty of the Prime Minister to read every important despatch on foreign affairs; therefore I assume that the noble Lord the Member for Tiverton has read all those despatches, and is as answerable for them as Lord Clarendon. The Minister relies very much on this letter, which I am about to read—

> "Her Majesty's Government desire to receive your Excellency's observations upon the despatch of General Williams, which I need hardly say has been read by them with great regret, after the anxiety they have felt, and the remonstrances which they have in vain addressed through your Excellency to the Porte, respecting the unfortunate army at Kars.
>
> "As an instance of the disrespect shown to Brigadier General Williams by the Turkish military authorities, I transmit to your Excellency the cover of a letter addressed to him, which he has sent to this office.
>
> "Such is the conduct of Shukri Pasha, the man just sent from Constantinople to take the command at Kars, and who if he had not positive instructions to treat General Williams with contempt, can have had none to show him respect, although your Excellency announced on the 15th of November last that he was to have the rank of Ferik in the Turkish service.
>
> "But Her Majesty's Government will no longer endure to be trifled with, and they are determined that if the Turkish Government still persist in treacherously disregarding the Sultan's interests the Turkish officers shall, at all events, not insult the Queen's Commissioner; and your Excellency is instructed to demand the immediate dismissal of the person who gave orders that General Williams should be thus unbecomingly addressed."

On this last point Commissioner Williams was mistaken, because any one who has read the translation of the titles by which he was addressed on the occasion in question must admit that they are not open to the complaint which Brigadier Williams made. I believe, however, that he is as simple and unaffected a man as can be met with, and it is only so far as his office is concerned that he would have complained of not having received all the titles which he thought were his due. This may be said to be the only point in the preliminary part of the correspondence in which our Ambassador got the better of the Commissioner. Lord Clarendon concludes by saying—

> "Your Excellency will also transmit to me a copy of your application to the Turkish Government for the official recognition of General Williams when he went to Kars, and of the answer which you received; and you will also demand, if you have not yet got it, a copy of the instruction that was sent by the Porte.
>
> "Your Excellency will understand that Her Majesty's Government require to be furnished with a full and detailed Report of everything which has passed between Her Majesty's Embassy and the Porte respecting the army at Kars, in compliance with the instructions that so frequently, but in vain, have been addressed to your Excellency."

I request the attention of the House to this point. Here is the Foreign Secretary stating, that an Ambassador who is bound to obey him has systematically disobeyed his directions and has evaded his instructions, and that it was a vain attempt for him—the Secretary of State—to prevail upon the Ambassador to pay respect to the directions of the Sovereign speaking by his mouth. That is a statement which, I think, affects the Government more than the Ambassador, and will give us an opportunity of investigating the constitutional question involved in this branch of our inquiry, as soon as I have read one or two sentences from this extraordinary document. I find that before Lord Stratford de Redcliffe condescended to write to Commissioner Williams he made his defence to the Foreign Secretary with respect to the first—and, I must say, merciful—charge brought against him, that he neglected to return an answer to any one of fifty-four despatches addressed to him by Colonel Williams. His defence is this—

> "Constantinople, Dec. 28, 1854.
>
> "My Lord—I think myself entitled to remark on the hasty manner in which Colonel Williams has allowed himself to suppose that I have neglected the important interests committed to his charge."

The "hasty manner!" Why, his Lordship must be the most phlegmatic man in Turkey. I understand that he wanted to answer all the despatches of Commissioner Williams at the conclusion of the war—in the lump, as it were—reserving his general views on the manner in which the war ought to have been conducted, and what should have been done at Kars until Kars had been taken, Erzeroum in the possession of the Russians, and peace concluded on terms satisfactory to the two great Emperors. The Ambassador continues—

> "Because he did not hear from me as soon or as frequently as he expected, he rushed to the conclusion that I gave him no support; and under this inconsiderate impression he has made a deliberate appeal to your Lordship and Lord Raglan."

It is plain from this passage that all the documents were sent to Lord Raglan; it is plain that that admirable person wrote his opinion upon the transactions to which they referred, and it is plain that his despatches have been suppressed. Lord Stratford proceeds to say:—

> "These circumstances do not in the least degree warp my judgment as to Colonel Williams's excellent intentions and zealous exertions on behalf of the army at Kars; nor am I at all inclined"—

And here follows a sneer at Colonel Williams—

> "To depreciate the somewhat voluminous correspondence which contains the results of his researches and remonstrances."

He then reminds the Foreign Secretary of the important steps he took to induce the Turkish Ministers to correct the abuses denounced by the English Commissioner, and calls attention to a set of queries which he addressed to a person who is styled, I think, a Count—Count Pisani—and who lives in Constantinople. Let me say a word or two upon this gentleman. Lord Stratford de Redcliffe, who is a remarkably clever man, when he wished to make his defence, addressed a series of queries to Count Pisani. The convenient Count answered all the queries in a manner perfectly satisfactory to our ambassador. His Lordship then delivered the queries and replies to our Foreign Secretary, to be laid before the Government; but I must say that our Foreign Secretary is a very innocent man if he believes nine-tenths of what is stated by Count Pisani. I want to know how it came to pass that Count Pisani was employed in this business at all? [Mr. LABOUCHERE: He is the dragoman attached to the embassy.] I know he is, but that is no answer to my question. When Lord Stratford wants to get anything done by the Porte he goes himself, and his great influence overcomes all obstacles; but whenever he wishes a thing not to be done he sends Count Pisani. The Count, I understand, upon such an occasion trembles at the very sight of the Pasha. Pisani says what he thinks fit to the Pasha, and the Pasha does the same to Pisani. The Count then hurries home to Lord Stratford, and tells him that the Pasha will do nothing. "Put that down," says Lord Stratford, and down it goes in a curious record kept by Pisani for subsequent use. It appears to me, that conscious of guilt—conscious that he would be called to account by Parliament, if Parliament understood and was willing to perform its duty—our Ambassador took the precaution from the first to prepare for his defence. His conduct reminds me of what I once heard a man say in a very remarkable trial for conspiracy and murder. He acknowledged having remained a certain time in the place where the conspiracy was concocted. "What did you do then?" inquired the counsel. "I went home to arrange my defence," was the reply. So with Lord Stratford de Redcliffe, it is quite clear that, through the instrumentality of Pisani, he was laying the foundations of his defence at the very moment he was doing that which he knew would be brought forward, at some future period, as a charge against him. I have been told by the right hon. Gentleman opposite, that Pisani is dragoman to the embassy. How is he paid? I do not object to the payment of any person engaged in the service of the country, because every public servant should be liberally remunerated; but let the House look at the staff at Constantinople. First, there is the Ambassador himself; then Lord Napier, secretary of embassy; next, Mr. Alison, Oriental secretary; and, lastly, the following *attachés*:—O. W. L. Russell, W. Doria, P. E. F. W. Smythe, T. F. Hughes, E. C. G. Murray, and L. Moore. All these persons but one are well paid. What are they paid for? Is it for running up and down the country enjoying delightful scenery? Can nobody be trusted to transact the business of the embassy but a Levantine Count? One would imagine that, if our ambassador wished anything important to be done, he would send one of these English gentlemen to do it; but, no; for some inscrutable reasons they are passed over, and the services of the Count are preferred. Perhaps—who can tell?—Lord Stratford de Redcliffe does not speak to any one of his secretaries or *attachés*, who, being English gentlemen, may not be as ready as Pisani to return acceptable answers to his queries. But I may remind the Colonial Secretary that three English gentlemen are paid by the State because they understand the Turkish language, because they may be depended upon, and because the important interests of England in the East should not be entrusted to a Greek, who is certainly not a man in whom reliance could be placed in a war between Russia and Turkey. With these observations I may leave Pisani, whose statements I am not disposed to credit, and proceed with the despatch of our Ambassador. After the passages I have quoted, and some more to the same effect, Lord Stratford begins to moralize. This despatch is, I understand, much relied upon by the friends of Lord Stratford, and it is certainly a curiosity in its way. He says:—

> "But the well-known proverb which contrasts the facility of bringing a horse to water with the impossibility of forcing him to drink is no less true at Constantinople than in London or Paris. Unfortunately, too, the horses whose reluctance I have to overcome are not without circumstances to excuse, though not entirely to justify, the slowness of their pace."

Then comes an allusion to a matter which is mentioned in many other parts of the Blue-book—the want of funds. That seems to be a fundamental difficulty; it is one of considerable force, and Lord Stratford is entitled to all the benefit of it. He informs Lord Clarendon that—

> "Winter, distance, roads scarcely passable, want of funds, the extent of evil to be cured, the scarcity of trustworthy officers, the greater interest of operations elsewhere, the illness of Ismail Pasha—all these causes of difficulty, and others which might be enumerated, have concurred to produce hesitation and delay. I regret the existence of such obstacles, and blame the Turkish Ministers for not surmounting them with more activity. But can I wonder?"

With great ability and truth Lord Stratford thus answers his own question:—

> "No! Corruption, ignorance, prejudice, want of public spirit, and the instincts of selfishness engender the same consequences wherever they prevail in long habitual exuberance. Such cankers, wide-spreading and deep-rooted, have ever been the harbingers and instruments of ruin, except in those few and favoured States where public opinion proclaims the danger and suggests the remedy in time. Has England itself been always without a taint? Have we never heard of Bacon or of Marlborough? Have we forgotten the memoirs of Pepys, the profligacies of his day, and the one claim of an exiled Sovereign to the gratitude of his country? Are not the denunciations of Burke still ringing in our ears? Place, time, and circumstances vary altogether, but the disease differs only in degree. In Turkey it has reached the stage of extreme virulence; in Christendom, generally, it is in abeyance, or shows itself

> only under mild forms; in Russia it mingles with the system of administration, and would, no doubt, fulfil its mission there, as elsewhere, if the power and energy of Government did not maintain a counteracting vitality."

The noble writer alludes to "public opinion." Does he think that public opinion is respected in a country where conduct such as he himself pursues can with safety be passed over unnoticed by the Government? Well may he talk of public opinion if the acts that he himself does in violation, at an unparalleled crisis, of his manifest duty can be covered or defended by the Government that maintains him in an office for which he has proved himself so wholly unfit. What is the meaning of his moralising on Lord Bacon, or on Marlborough? It is gratifying to find that our Ambassador, amid his severer studies, fails not to cultivate the lighter graces of literature; but while dilating on the infirmities and vices of Bacon and Marlborough, he affords in his own person the very best proof that great talents may be accompanied with vices that obscure them, and great knowledge with infirmities that destroy its use. Now, is our Ambassador to be praised for his style of writing on matters of business? Lord Clarendon did not want to hear of the character of Bacon —"that wisest, brightest, and meanest of mankind"—and could read *Pepys* himself without being requested to do so from Constantinople; while I think our Ambassador may leave Marlborough to Macaulay, who will take care of him. But at last Lord Stratford condescends to notice the charge against him, and in reply gives an excuse the most curious ever recorded in the archives of the Foreign Office. He says—

> "It remains for me to say a word respecting my silence towards Colonel Williams. It has, in truth, continued longer than I intended. It originated in my anxiety not to occasion disappointment by announcing measures which might or might not be carried into effect. I knew that during the winter season little, comparatively, could be done; and I preferred, under the pressure of business flowing in abundantly from other sources, to give my correspondent an answer in full, rather than keep up a succession of partial communications. To this may be added the total want of punctuality with which of late the packets for Trebizond have left Constantinople. It has happened more than once that the opportunity was not brought to my knowledge till within an hour or two of the vessel's departure. Thus to the motive for not making preparation was added the difficulty of writing at the moment for want of time."

Every word that the noble Lord writes is inconsistent with something that he has written before. Sometimes his silence is designed; sometimes it is accidental; but the pith and marrow now are, "I never answered your communication before, because I did not wish to disappoint you—when all is over you shall have an answer in full." That is a mode of transacting business, permit me to say, which no amount of talent—and I do not deny that Lord Stratford has much talent—and no length of public service—and I do not deny that Lord Stratford's public service has been considerable—can justify or palliate. And I ask, if this system is to be carried into other branches of the public service, what will become of this great empire? On the 11th of January, 1855, the Earl of Clarendon answers that document. He says that the defence of Lord Stratford has received the careful consideration of Her Majesty's Government; and, after justly remarking upon the inadequacy of the steps which have been taken, he says—

> "But this is all that has been done for the relief of the army, notwithstanding the repeated and urgent remonstrances of Her Majesty's Government, which are of a date long anterior to the departure of General Williams from this country."

He continues—

> "General Williams was in a position of great difficulty and responsibility, surrounded by traitors and robbers, with whose occupations he was bound to interfere, and he stood in need of all the support and encouragement that Her Majesty's servants could afford him."

He then says that he has answered all General Williams's despatches, and has had great satisfaction in conveying to that officer the entire approval of the Government; and he concludes—

> "Her Majesty's Government, therefore, cannot but regret the silence observed by your Excellency towards General Williams, and they can well understand the discouragement and mortification he must have felt at receiving no acknowledgment of his fifty-four despatches, accompanied by private letters; for he looked to your Excellency as his natural protector, and must have well known that the great, the deservedly great, influence of your Excellency must be more powerful on the spot than any Her Majesty's Government could exercise to save him and the Turkish army from the consequences of that corruption, ignorance, prejudice, and want of public spirit which your Excellency so well describes, and the proofs of which are in every direction unfortunately but too apparent."

Now, I admit in the most unequivocal manner, on the part of the Foreign Secretary, that he has fully discovered the misconduct of Lord Stratford de Redcliffe. I admit that he has been made aware of Lord Stratford's defaults. I admit further, in fairness to him, that he has expressed himself in a manner highly creditable to Lord Clarendon as a private gentleman; but, as I shall contend in a moment, fatal to him as an English statesman; because I rely upon the very fact stated in that document, that Lord Stratford's conduct had nearly ruined an army, to sustain one portion of the arguments involved in my Motion. But this is the last of the letters written by Lord Clarendon in censure of Lord Stratford de Redcliffe. General Williams, however, did not submit to that mode of being disposed of by the Ambassador; and I now beg to draw the attention of the House to two letters from General Williams, a sentence in one of which is the foundation of the view which I would respectfully submit to the House on this important part of the question. Lord Clarendon having sent to General Williams the defence of Lord Stratford de Redcliffe, General Williams writes this despatch, received January 15, 1855—

"Your Lordship will be informed, through the copy of my despatch to Viscount Stratford de Redcliffe, inclosed in mine of the 8th December addressed to your Lordship, of the silence and disregard with which his Excellency has been pleased to treat my despatches and private communications relative to the affairs of the army, to which I am accredited, as Commissioner, by Her Majesty's Government. Under these extraordinary, I may say unprecedented, circumstances, it behoves me to demonstrate to your lordship that I have not failed in my duty, either towards Her Majesty's Government, or to his Excellency the Ambassador, with whom I was instructed to place myself in communication. 1st. Before I landed at Constantinople I sent Her Majesty's Ambassador a copy of your lordship's instructions to me, and afterwards had the honour of four interviews with his Excellency, in which, among other things, I mentioned the precise words of the Duke of Newcastle (addressed to me in my interview the day prior to my departure from London), on the importance his Grace attached to the duties of my mission—that it was second only as to the prosecution of this war. 2nd. On the receipt of my instructions from General Lord Raglan, which reached me after my return from Varna, I enclosed a copy of them to Her Majesty's Ambassador, accompanied by a despatch, a copy of which I beg to enclose herewith for your lordship's information. A copy of this was also sent to General Lord Raglan as an enclosure in the despatch which acknowledged the receipt of his lordship's instructions. 3rd. I made a general appeal to Viscount Stratford de Redcliffe for his 'countenance and support,' written from Erzeroum on my way to the camp at Kars. I now beg to forward, for your lordship's information, a copy of my second and special one. In order to redouble the zeal of Mustafa Pasha and Emir Bey, I told them that I had brought their conduct to the knowledge of the Porte, through the British Ambassador, and held out the hope of reward. Had that recompense followed my solicitation, it would have been known to every officer in the army, and incalculable results would have followed. Having thus performed a duty which I think imperatively incumbent on me, I shall for the present abstain from any remarks, save that of announcing the arrival of another post from Constantinople, without a line, public or private, from Viscount Stratford de Redcliffe, although I have addressed sixty-two identic or special despatches, and many private letters bearing on public affairs, to his Excellency."

The House will observe that the charge obtains fresh force from the statements in that letter; for, in the first place, it appears that there are sixty-two despatches unanswered; and, in the second place, it appears that, upon a particular occasion, if a small recompense had been made by the Ambassador to Mustafa Pasha and Emir Bey incalculable results would have followed to the Turkish army. On the 21st of January, 1855, Lord Stratford concocts an elaborate defence which he addresses to Lord Clarendon, in which he falls back upon that trifling matter of the superscription of a despatch and the title of Colonel Williams, and dwells a good deal upon a mistake which a man is likely enough to make who is unacquainted with the language. Then he says—probably truly enough—that having an army on the Danube and another in the Crimea, the Sultan's revenue is altogether inadequate to the support of a third army. He makes that point, and it seems a rational one. He then says that General Williams has been raised to the rank of Ferik; but the date of that appointment is all-important. Lord Stratford was early instructed to obtain for General Williams some rank which should give him an intelligible position and influence with the army at Erzeroum. It appears that that was not done—or, at least, that it was done in an absurd manner. In November the diploma was being made out; in December something was doing; but Commissioner Williams indignantly records that that document did not reach him till the 25th of January, 1855. Again, I find General Williams, on the 15th of January, 1855, in a despatch which was received by Lord Clarendon on the 7th of February, expressing his disappointment that the expectations which he had founded on the promises of Lord Stratford de Redcliffe were not fulfilled, and he adds :—

> "It is my bounden duty to call the attention of your Lordships to these grave circumstances, and to state the extreme danger which such a state of things engenders ; half of one precious month has slipped from us, and has brought with it the fruits of either an indifference on the part of the authorities of Constantinople to my various unanswered representations, or a signal want of influence to enforce them."

I find, likewise, that on the 18th of January he repeats the necessity that there is for paying the troops, and he enumerates the difficulties under which he labours—want of clothes, want of arms, want of shoes, and want of money. I find that this is submitted to the Minister of War, and the first thing that the Minister of War does in reference to the war in Asia Minor is this :—On the 26th of February he communicates this important opinion to General Williams :—

> "Lord Panmure is of opinion that it will be impossible for him (General Williams) to do any good, unless he is allowed more discretion in organising the army of Kars."

That is the result of the deliberations of the head of the War Department. This extraordinary dispute or discussion between the Ambassador and the Commissioner is brought to a close by the two documents which reached Lord Clarendon on the same day—one from Lord Stratford de Redcliffe and the other from General Williams, for it is a singular circumstance that both those despatches arrived on the 1st of March, 1855. The despatch of Lord Stratford is a very elaborate document. In it he puts forward all the case that he could make for himself as against the Government, Commissioner Williams, and the indefinite character of the commission under which General Williams had acted, and he calls upon Lord Clarendon to define what was thereafter to be his duty in enforcing the demands of General Williams at Constantinople. That is a very able and a very clever letter. It is a little artfully written, perhaps, but its purport is this :—" You sent out a gentleman with a commission that is not intelligible ; all sorts of difficulties have arisen ; he has gone to Kars ; the Turks don't know what he is ; I don't know pecisely what the extent of his authority is ; inform me now, and tell me, for my guidance hereafter, how I am to behave to him, and how he is to behave towards our ally, Turkey ; because we must have a distinct knowledge of our reciprocal position towards each other and towards the Porte."

> "It is not enough for me to know in general terms that Brigadier General Williams is a military officer, instructed to act as Her Majesty's Commissioner with the army at Kars. It is further desirable that I should be made acquainted with the extent of his powers on the spot, with the degree to which he is independent of the commander in chief, and how far it is expected by Her Majesty's Government that I shall insist on obedience to his demands, without reference to any doubts entertained of their expediency either by the Porte or by me."

Lord Stratford de Redcliffe asks Lord Clarendon, " Do you mean General Williams to be commander in chief, only exempt from the responsibility of taking command of the army in the field ? " and he concludes the despatch very judiciously for his purpose, because he gives a delicate hint to Lord Clarendon in reference to the severe letters he had sent out with regard to the Government of Constantinople, in these words :—

> "We should be inconsistent with ourselves if we sought to trample down what remains of Turkish independence."

I ask Her Majesty's Government whether that despatch required an answer ? A clear, explicit, point-blank request is made by the Ambassador, to the Foreign Secretary once for all to explain the relative duties and relative authority and the extent of jurisdiction conferred on General Williams, and I want to know where is the answer to that communication ? I fancy the Prime Minister and Lord Clarendon must have come to the conclusion that it was inconvenient to explain directly the limits of the authority which General Williams was to exercise, and that, as there was a very pretty quarrel between the Commissioner and the Ambassador, it was better to leave things as they were, and not attempt by any effort on their part to adjust them. On the same day, the 1st of March, arrives the startling letter to Lord Clarendon from Commissioer Williams, in which he utters these words in reference to the Ambassador :—

> "Whether his influence was sufficient or otherwise to induce the Porte to hear my warning voice, I boldly assert, as a British officer, that such an unaccountable silence was highly dangerous to the public cause. What could I not have done in the shape of reform had even a note from Lord Stratford, and an order from the Seraskier,

> reached me by the return of the first Turkish post, which was then as regular in its arrival as that between London and Constantinople."

The pith and marrow of the first part of our inquiry are all contained in that passage which General Williams submitted to Lord Clarendon. I suppose the House will hardly credit me; I suppose there is hardly a rational man in the country who will believe that no answer was given by Lord Clarendon to that despatch. There were subsequent letters from Lord Clarendon—"I beg to acknowledge the receipt of your despatch of such and such a date;" but there was no answer defining General Williams's powers, so that neither party should be perplexed, and propriety and respect for authority should be introduced into the embassy at Constantinople, where it seems never to have before existed. It is an argument in favour of Lord Redcliffe, who may say, "I addressed myself to you upon all the disputes and confusion in the correspondence with General Williams, and having received no answer, my statement in that letter must be taken to be unanswerable." Can this matter present itself in a more ridiculous aspect as between the Government at home and the Ambassador at Constantinople and the Commissioner at Kars? The Commissioner said, if his authority had been recognised, he could have effected incalculable reforms. That is written home. The Foreign Secretary's attention is called to the fact, and he neither writes to the Ambassador nor to the Commissioner, but leaves them to fight it out as best they may. There is another trenchant communication from General Williams in reference to one of the despatches of Lord Stratford de Redcliffe, remitted to him by Lord Clarendon. This is the way he describes the analysis of his despatches, forwarded to the Government by Lord Stratford de Redcliffe—

> "It exhibits, throughout the analysis of my reports from Kars, a marked disregard to my opinions; and a future reference to a Mushir to be appointed is the burden of this long story. In forwarding it for your Lordship's perusal I must, nevertheless, call your Lordship's attention to one or two salient points."

And having stated these, he says—

> "Unhappily it is on record that his Excellency did not do me the honour to acknowledge my communications, public or private, until my despatches had reached the number of sixty-one."

Now, Sir, those despatches contain the substance of the first part of this inquiry, and before I touch upon the second branch of it I wish to ask what is the constitutional question arising on those facts, because upon that the House must give its opinion? I perceive by the Amendment of the hon. and learned Gentleman (Mr. J. G. Phillimore) that he proposes to refer to a Committee to decide whether the Ambassador was or was not, by his silence or misconduct, the cause of the calamity which occurred at Kars. I beg to ask the House one or two plain questions upon that point. Is the Ambassador responsible to the House of Commons? I say, "No!" Who appoints him? The Crown? Who exercises authority over him? The Minister. Who can call him to account? The Minister. Can we call him to account? No. We operate upon public servants through the medium of the Minister, and to call upon the House to enter upon the consideration of the misconduct of a public officer is to ask the House to assume the Executive. The House can neither appoint nor dismiss. We can only exercise control, by making known our opinion of a Minister that fails in the performance of duty in a matter of great public interest. How does this matter stand? Take it as put in the strongest possible manner for the Government, "Lord Stratford de Redcliffe is an extraordinarily intractable and clever man. He was our Ambassador at Constantinople. He failed to perform duties required of him, and the Foreign Secretary censured him." But where, I ask, is the Ambassador? He is there still. He misconducts himself, and therefore the Government retains him. It is in exact consistency with that principle of Government, latterly adopted, which rewards a man according to his demerits, and, in daring defiance of public opinion, promotes him in exact proportion to the excess of his fault. Some time since we discussed the dismissal of Mr. Kennedy, and I well remember the right hon. Gentleman the Member for the University of Oxford put the dismissal of Mr. Kennedy upon this ground—not that he was a dishonourable or dishonest public servant, but that he was intractable and difficult to manage—a man who wrangled and disputed with the Secretary of the Treasury, and was not in harmony with the heads of his department. The argument used on the part of an Administration of which the noble Lord the Member for Tiverton was a Member, was, that when an official misconducted himself or embarrassed public business it was the duty of the Government to dismiss him, and the House had no right to question the dismissal, however harsh it might appear. Does the Government justify the conduct of Lord Stratford? Clearly not! Their argument is, that his conduct was unjustifiable; and, if we believe General Williams, was dangerous to the public cause. If the effect of that conduct was to prevent a deserving officer accomplishing great reforms in the army in Asia Minor—if that army was disorganised by the unaccountable behaviour, the apathy, and the neglect of the Ambassador, what is the responsibility of Her Majesty's Government who still retain him in office? It is thorough cliqueism to declare that no other man in the world can do the duty of Ambassador at Constantinople but Lord Stratford de Redcliffe; and for the Government to say, "No matter how he misconducts himself, since we censure him, therefore the House of Commons must acquit us," is to maintain that the most marked misconduct of a public servant, if he be in a high position, is certain to be screened by authority, when, in truth, that authority should no more shelter the man in a high position than the humblest official in the country. If this system is to be pursued, a man may be appointed the general of an army; he may refuse to obey instructions; and therefore he may be continued in his responsible position. An admiral may be ordered to sail to a particular point; he may go in exactly the opposite direction; and therefore he may be allowed to retain the command of his fleet. By such a system you put an end altogether to constitutional government; and if the House of Commons sanction it, the sooner you abandon the principle of exercising any authority or control over the conduct of the Executive the better. It is an imposture to talk of public opinion and not to respect it, and it is most indefensible when men engaged in the public service are guilty of a dereliction of duty to shelter them from censure because they are persons of eminence in the State. What is the meaning of the Amendment which the hon. and learned Member for Leominster (Mr. J. G. Phillimore) has given notice that he intends to move? Is it to transfer to a Committee the duties of the Executive? Why, that is worse than the original proposition. Let Her Majesty's Ministers defend the conduct of Lord Stratford de Redcliffe boldly; but, if they do not, I put it to the House whether it is possible for any man who respects his own character—I was going to say his conscience—to maintain that the mere fact of their having censured Lord Stratford exonerates the Government from all responsibility in reference to this incomprehensible official. Although I have referred to this subject, because it is important and has arrested public attention, let no one suppose that that is the cardinal point which I wish to bring under the consideration of the House. As far as I can understand the matter, the quarrel ended in March, when the parties who were before at variance commenced a fresh correspondence. The Foreign Secretary wrote to the Ambassador, the Ambassador wrote to the Commissioner, and things went on in Asia Minor and Constantinople as if that deadly feud the records of which are preserved in the Foreign Office, and have been published for the edification of the public, had never existed. Well, that part of the inquiry being disposed of, we come to a very interesting portion of our Parliamentary history. It is impossible to understand the misconduct of which I complain, unless we recall to our recollection what took place at the destruction of an Administration commonly known as "Lord Aberdeen's Government." At that crisis, as the House may recollect, we were favoured with personal explanations which were as interesting as they were important. It appears, likewise, that in another place, a noble Earl (Lord Ellenborough), remarkable for his abilities and his thorough knowledge of this subject, endeavoured to convince some of Her Majesty's Ministers of the necessity of attending to the war in Asia. Having knowledge, vigour, eloquence, and ability, of course he failed, and he now lives to lament the fulfilment of the prophecy which he then uttered. The hon. Member for Aylesbury (Mr. Layard) was, however, more fortunate in this House, for he made a convert, and that convert was no other than the noble Lord the Member for the City of London. The hon. Member for Aylesbury, in the sad month of December, made a speech on the subject of the war in Asia which was most instructive and useful from the matters which his acquaintance with the subject enabled him to disclose. The noble Member for the City of London said nothing on the subject that night; but it appears that the speech of the hon. Gentleman made a deep impression upon the noble Lord's mind. The noble Lord meditated upon it; it produced fruits, and the result was the overthrow of Lord Aberdeen's Administration. The noble Lord (Lord J. Russell), being naturally required to explain his conduct, made a very important statement with reference to the war in Asia Minor, and to the misconduct of the Administration of which he was himself a Member. The Duke of Newcastle was also a Member of the Administration, and became the subject of the noble Lord's judicious and friendly exposure. I will read the statement then made by the noble Lord, and I intend to call upon him to-night for his vote, not on the score of party—because I know on that ground he would not give me it—but on a ground which will, I expect, have stronger influence with him than any party considerations—namely, respect for his personal honour, for his consistency, for his conscience, and for his country. This is the statement of the noble Lord on the subject of the war in Asia Minor:—

> "With respect to some of these questions—with respect, for instance, to a question raised during the short sitting in December by my hon. Friend the Member for Aylesbury (Mr. Layard)—namely, that of holding some consultation, and of making some provision for the next campaign—I was not satisfied. My hon. Friend pointed out the danger that might be incurred if the Russian army were increased on the Asiatic side, and he spoke of the necessity of providing some force to meet any invasion of Russia in that quarter. That was a most important subject, and it occupied my mind very much; but I could not find that I received from Lord Aberdeen that support which I had hoped for when the subject was under the consideration of the Cabinet."

Now, what does this prove? It shows, in the first place, that the noble Lord was convinced of the truth of the arguments of the hon. Member for Aylesbury. What did that hon. Gentleman recommend? That communications should be opened with Schamyl, that the mountain tribes should be excited against the Russians, and that an armed force should be provided to act against the increased army which Russia would bring into the field in spring. These points were urged with great force and eloquence by the hon. Gentleman. The noble Lord meditated on the subject, and we see the fruit of his meditations. He says the subject was important. He says also that the war in Asia Minor was brought under the consideration of Lord Aberdeen's Cabinet, but that he could make no impression upon that immoveable Premier. Finding that it was impossible to move Lord Aberdeen, the noble Member for the City of London, like a true patriot, upset the Administration on the ground that it did not conduct the war in Asia Minor with vigour and effect, and, having overthrown that Administration, the noble Lord brought in a band of chosen Whigs who were to do what the previous Administration would not do. That was the course pursued by the noble Lord. I will not inquire whether he did submit fully his views on the necessity of carrying on the war vigorously in Asia Minor to Lord Aberdeen's Government. I was not there; and I can only speak from the statements of the noble Lord himself. I show, however, from a passage of the noble Lord's speech—a passage which no eloquence can mystify or pervert—that an Administration which did not attend to the war in Asia was not deserving of public confidence and support, and that Administration after Administration should be shattered to atoms if they did not undertake that important duty. That duty not having been performed by the Government of Lord Aberdeen, the noble Member for the City of London felt bound, in the discharge of a conscientious duty to his country, to overthrow the Administration. There is something very singular in the account given by the noble Lord of that Government. He seems to have considered that the combination of the Premier, Lord Aberdeen, with the War Minister, the Duke of Newcastle, occasioned all the difficulty, because, according to the noble Lord the Member for London, if we had a good War Minister and a bad Prime Minister, or a good Prime Minister and a bad War Minister, public affairs might be successfully conducted, but with the conjunction of two bad Ministers that was absolutely impossible. Nay, the noble Lord pushed the argument to this singular extent—he says, if the fiery spirit of the noble Member for Tiverton (Viscount Palmerston), in the capacity of War Minister, had been added to the frigid nature of the Earl of Aberdeen, the mixture would have been a good one, and the result wholesome for the country. The noble Lord illustrated his meaning by historic references with which his richly cultivated mind enables him to supply himself, and thus to enliven our debates. If Lord Chatham had been in the place of Lord North we should not have made the conquest of Canada; and if Lord North had been in the place of Lord Chatham, we should not have had to lament the capitulations of Saratoga and of Yorktown. Who is Lord

North? We can guess; but the modern Chatham is now before us—he who is to thrill the Senate by his eloquence, to exalt the nation to the heights of his sublime patriotism, to terrify the enemies of England by his name, and, like his immortal predecessor, to make his influence felt wherever war rages in every quarter of the globe. The flatterers of the noble Lord (Viscount Palmerston) say that he succeeded to his position at a time of great difficulty. That is true, but such was his ambition. Times of calamity and confusion produce the greatest minds. Amidst the general gloom the genius of the statesman shines conspicuous, as the brightest thunderbolt is elicited from the darkest storm. The noble Member for London, however, only wanted one great Minister, but he got two—a Prime Minister of surpassing energy and a War Minister of surprising genius. Let us inquire whether their action has been equal to their ability, and then I will ask the noble Lord (Lord J. Russell) whether his splendid illusion is not dispelled, and whether, with reference to the sentiments he expressed on the occasion to which I have referred—if the war in Asia does not appear to have been conducted with due energy and vigour—he can, as a conscientious man, vote against the Resolution I am about to submit to the House. Now, Sir, to business. The quarrel is ended, the Ambassador is in good temper, the Foreign Secretary is happy, the Ministry is changed, Lord Panmure is at the War Department, and General Williams is, where he was before, at Erzeroum, and is, as usual, writing to the gentlemen who received his despatches, but who seldom condescended to notice them. Now comes a subject all important to our inquiry. On the 5th of March a letter was written by Brigadier Williams to Lord Clarendon. This is an important document, which describes the state of the army, and the future prospects of the campaign, and which ought, therefore, if the Minister was disposed to do anything, to have put him in motion. The dispatch was as follows:—

"Erzeroum, March 5, 1855.

"I had a long conference with the Mushir on Saturday last on the numerical strength of the army under his command, the very extended line of defence occupied by that army, and the representations he was about to make to the Porte on these subjects. The various detachments of this army amount on paper to 30,000 men, but his Excellency agreed with me in placing 20,000 effective men of all arms opposite to that number. The lines of defence extending from Ardahan to Kars, and thence to Kaghisman, Toprak Kaleh, Euch-Kelissa, and Bayazid, present a distance so great, when compared with the forces under his command, as to lead Vassif Pasha to fear that, in the event of an offensive movement on the part of the Russians from Akhirkelek, Gumri, and Erivan, it would be impossible to retain the ground which the detachments of his army now hold. In this opinion I fully agree with his Excellency, as my various reports testify. [I do not see these reports among the papers.] I, however, told the Mushir that I thought the allies would not leave us without material assistance to bear the brunt of such an attack; but he replied by asserting an opinion formed from a conversation he recently had held with personages of high rank at Constantinople—that he could expect no assistance from the allies till the fall of Sebastopol, and that he should consequently write by this post to demand a strong and prompt reinforcement of infantry and cavalry, and begged me to support his demand by an appeal to Her Majesty's Ambassador and the British Government. Being, of course, ignorant of the combinations contemplated by the Allies for the defence of this important frontier, I cannot offer an opinion as to the number of Turkish troops desirable for this service [General Williams here shows himself to be a very innocent as well as brave man, for he seems to have seriously believed that our Government were really contemplating some combination for the defence of the Asiatic frontier of Turkey]; but if we are to depend on the unaided services of such troops, I cannot estimate the prompt reinforcements, *viâ* Trebizond under 15,000 infantry, 3,000 cavalry, and 2,000 artillery, men (barely enough to man all the guns at our command in these regions). Unfortunately, these discussions are now taking place in March, instead of December of the past year; my warning voice having been utterly disregarded by the authorities at Constantinople."

This is a very important despatch, and it proves that the lines were far too extensive to be held by the army then in Asiatic Turkey; and that some other force, Turkish or allied, was indispensable. It is a document which must have commanded the attention of any Minister who professed to have at heart the right conduct of the war —a duty the most important, as the noble Lord the Member for London said, which could occupy the mind of a Government. Another personage now appears upon the scene, and I should be very sorry to overlook the part that he played. Lord Wodehouse, the Under Secretary for Foreign Affairs, is called into activity, and on the 29th of March he writes to the Under Secretary at War:—

"Foreign Office, March 29, 1855.

"Sir,—I am directed by the Earl of Clarendon to transmit to you to be laid before the Secretary of State for the War Department, copy of a despatch from Brigadier General Williams respecting the reinforcements required for the Turkish army at Kars."

The Minister took from the 29th of March to the 12th of April to answer that letter, a period in which he might have gone out to Constantinople, and with his own eyes seen what was requisite to be done. But when he took up his pen, with the existence of an empire at stake, what did he write? Mr. Peel, on the 12th of April, in reply to Lord Wodehouse, says:—

"My Lord,—Having laid before Lord Panmure your letter of the 29th ult., with the copy therein enclosed of a despatch from Brigadier General Williams, relative to the amount of reinforcements which he considers are required for the Turkish army in Asia, I am directed to request you will state to the Earl of Clarendon that Lord Panmure is of opinion that it will be desirable to urge upon the Porte the importance of their paying attention to these requirements whenever the more pressing need of the services of the Ottoman troops elsewhere shall have ceased; and, if Lord Clarendon should concur with his Lordship that it is expedient to adopt this course, I am to request that you will move his Lordship to send instructions to Her Majesty's ambassador at Constantinople accordingly."

This is a most charming production, and I cannot help thinking, that when Mr. Macaulay was describing Louis XIV's War Minister, who sketched plans of campaigns, controlled commanders, and was the greatest commissary general, the greatest adjutant general, and the greatest quartermaster general the world ever saw, he must have had my Lord Panmure in his eye. The scope of this important State paper, as far as I can make it out, is, that Mr. Peel writes to Lord Wodehouse, that Lord Panmure would suggest to Lord Clarendon, that Lord Wodehouse should be instructed to direct Lord Stratford to advise the Turkish Government to tell the Mushir to pay attention to General Williams's recommendations. This futile, absurd, and childish performance is the work of the War Minister, who supplanted the man whom the noble Lord the Member for London insisted on displacing for his want of vigour in the prosecution of the war! Any man might well shudder to think of a great nation like England being represented in the crisis of its fate by the author of such a miserable despatch. Then Lord Clarendon comes to the rescue to carry out the design recommended to him by the Under Secretary for War, and in his letter to Lord Stratford he says:—

"Foreign Office, April 13, 1855.

"My Lord,—I communicated to the Secretary of State for the War Department, a copy of General Williams's despatch of the 5th of March, which will have passed through your Excellency's hands, and in which General Williams calls attention to the reinforcements required by the Turkish army in Asia; and I now enclose a copy of a letter from the War Department, from which you will perceive that Her Majesty's Government consider it desirable that your Excellency should urge upon the Porte the importance of their paying attention to the requirements mentioned by General Williams, whenever the more pressing need of the services of the Ottoman troops elsewhere shall have ceased."

This was the despatch written when a hostile army was on the point of seizing the key of Asiatic Turkey, and then marching on Constantinople. I know not whether M. Pisani or our Ambassador communicated the contents of this despatch to the Porte. On the 26th of April, M. Pisani wrote to Lord Stratford:—

"Pera, April 26, 1855.

"I have duly communicated to the Grand Vizier, Saffet Effendi, and the Seraskier Pasha, Lord Clarendon's despatch of the 13th of April to your Excellency, relative to the army of Asia, &c. These Ministers told me, in reply, that they were all aware of the urgency of reinforcing that army, and their commanders repeatedly recommended that measure; but it is utterly impossible, at least for the present, to spare any of the troops in actual service on the Danube and in the Crimea."

With great labour and at much expense to the country these despatches were concocted, and when they were delivered, the Seraskier replied, "Oh, we know all this as well as you—if we had an army of our own we should not want you as an ally, nor if we had a full treasury should we ask you for money!" I am aware it is not possible for even a great man to do great things every day of his life; and no wonder that, exhausted by this last stupendous effort, our War Minister soon relapsed into an official slumber, until, unfortunately, he awakened into mischievous activity in the month of July following. I have heard it said that there are Members of this House who are prepared to vote that "energy and foresight" in this matter have been displayed by the War Department of England! But I will not believe it until I see it recorded on the division list. Let me warn hon. Gentlemen that it is of little moment what becomes of a Ministry, but of the last consequence what becomes of the character of this House. If a body of English gentlemen, the representatives of the people, who have sacrificed their blood and their treasure in a great struggle, are of opinion that when four British officers are enclosed in Kars and Erzeroum, heroically fighting their country's battles, a document such as I have read acquits the Minister of all responsibility for the disaster which occurred, then I say, talk no more of constitutional government, but give us institutions consistent with national safety, and with the primary ends of State policy. Compared with the War Minister, who evinced such signal imbecility, I say that the man whom the noble Lord the Member for London overthrew was an intellectual giant. The first thing done by Lord Panmure on entering office deserves mention. General Chesney, early in August, had sent in to the Duke of Newcastle a plan for carrying on the war in Asia. The main purpose of Colonel Chesney's suggestions was to point out, what was afterwards indicated by Omar Pasha and many others, that a force landed at Batoum would not only save Asia Minor, but uproot Russian power in Georgia. Up to this time Colonel Chesney had never had the honour of speaking with the Duke of Newcastle. He saw himself gazetted to the command of the Foreign Legion, and received a letter from the secretary of the Duke, intimating that, if he were familiar with foreign languages, he should lose no time in coming to London, and accepting the appointment. These orders he obeyed with characteristic promptitude. He came up to London, took the command of the Legion, and continued for a fortnight in the discharge of the duties incidental to that position. The appointment was a good one—no better could have been made. Throughout the length and breadth of the British Empire there was not a military officer better qualified for the post. No man could be more competent than he to give advice at such a juncture, for he was familiar with the country to which the Legion was proceeding—he knew everything about our military establishments, and had predicted that in case of war the Ordnance system would probably break down. But he had not been more than a few days in office when he received a letter from the secretary of Lord Panmure, informing him that, inasmuch as that noble Lord found it impossible to carry out the views of his predecessor, the command must be withdrawn from him. So this gallant and accomplished officer was dismissed as abruptly and unceremoniously as if he had been a footman. And this for no other reason than the vague and untangible one that Lord Panmure found it impossible to carry out the views of his predecessor. Viewing this fact in connection with others which this sad story brings to light, I find it impossible to avoid the conviction that, from first to last, it was the deliberate purpose of Lord Panmure not in any way to contribute to the prosecution of the war in Asia Minor. I do not say this with the intention of disparaging him, but such is my conviction. On the 15th of May, General Williams wrote to the Earl of Clarendon to say:—

> "I regret to inform your Lordship of the continued neglect at Constantinople of my requisitions for boots and other necessaries, for the cavalry; these unfortunate men are now even destitute of slippers, and a staff officer informed me yesterday that he had met the regiments coming into line at Toprak-Kaleh, from Koordistan, the greater portion of the men riding in stockings! The requisitions for the infantry have met with equal disregard. Tahir Pasha informed me yesterday that no knapsacks and other indispensable necessaries had reached the army; and this branch of the army must march with a most inconvenient bag on their backs, with which they cannot fight. I beg to advise the immediate expedition of 300 artillerymen and a regiment of infantry to Trebizond, to march without delay on this place; it would inspire our troops with no little confidence to know that this army was not totally forgotten by the Imperial Government."

On the 17th of April, General Williams again raised his warning voice, and informed Lord Clarendon, that his latest reports from Gumri represented the Russians as preparing for the campaign, and that intelligence recently received led him to believe that the enemy would again advance on Bayazid. He enclosed plans and sketches for the defence of Kars, which are no doubt carefully preserved in the War Department, but up to that date nothing was done for the relief of the fortress. This neglect seems all the more unaccountable, all the more culpable, when it is borne in mind that Colonel Lake, writing to General Williams on the 20th of April, made out a case which should have sufficed to awaken the enthusiasm of the most torpid, and to urge the most listless to action. "I think I may say," he says, "that with an efficient force and a good supply of ammunition, in which it is very deficient, Kars would be able to resist any attack that could be made against it." Surely language such as this was a strong inducement to afford the slight aid required. On the 9th of July, Lord Clarendon received a long despatch from Lord Stratford, informing him that the Porte was alarmed and desired to discover how the army in Kars should be relieved. But where, he asked, were the supplies to come from, or the plans of operation, or what was the best method whereby to employ the services of the troops with effect? The Government were cognisant of the opinions held by Colonel Lake and General Williams, and knew the state of affairs, which was simply this—that as far as absolute necessaries were concerned the army was deficient, but that if they were plentifully supplied in this respect Kars could and would hold out to the last. On the 9th of June, General Williams wrote to Lord Clarendon a letter, every word of which is important. It is as follows:—

> "Kars, June 9, 1855.
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> "My Lord,—On the day after I addressed your Lordship from Dévéboyonou, I received from Colonel Lake the confirmation of the intention of the Russians to attack this place in great force. I also got a confidential message from the Mushir, proposing to abandon Kars and defend Erzeroum. I instantly rode back to Colonel Lake to beg the Mushir to act with the utmost vigour, and pressed on and reached Kars the day before yesterday, where I have used every endeavour to instil energy into the mind of the Mushir, and I likewise abstained from remonstrating with his Excellency on his strange proposition to abandon a place which we had been at such trouble to provision and fortify, thinking, as I do, that he feels the weight of the false step he was about to take, and is willing to act upon my suggestions.
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> "With this impression I have been occupied all day in stationing the troops in the various batteries, in arming and supplying those batteries with ammunition, and in addressing to each regiment words of encouragement and hope. The enemy, in force about 30,000 men of all arms, accompanied by a train and vast supplies necessary for a siege, is within four hours of us, and will most probably attack us to-morrow.
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> "I have advised the Mushir to write to Mustafa Pasha, of Batoum, for 5,000, to be directed on Ardahan, and to Veli Pasha, of Toprak-Kaleh, to prepare for an instant march when he shall have received orders for it. This is all I can do in our isolated and neglected state, and I am happy to say that our garrison appears in good spirits, and promises me to do its duty.
>
> "I have, &c.,
> "W. F. WILLIAMS."

That is the letter of a gallant, high-spirited Englishman, who, at the very moment when danger is most imminent, is hopeful himself and prepared to do his duty. On hearing that the Mushir proposed to abandon Kars and fall back on Erzeroum, General Williams flies from Erzeroum to Kars, compels the Mushir to forego his inglorious purpose, inspires the army with new hope, and resolves to defend the place intrepidly. This despatch, while it testifies to the heroism of General Williams's character, shows that that officer was convinced that there could be no greater mistake than to retire from Kars, which was the key of Asia Minor, the abandonment of which would make Russia as triumphant in war as she would be sure to be in the diplomatic negotiations consequent on her victory. On the 30th of June, Lord Stratford sends a dispatch to Lord Clarendon, in which, after giving an account of a meeting which took place that morning at the Grand Vizier's house on the Bosphorus, he observes:—

> "It was clear to all present that, whether the Russians besieged or turned Kars, the Turkish army required an effort to be made for its relief with all practical despatch, and that of three possible modes of acting for that purpose the only one likely to prove effective was an expedition by Kutais into Georgia. To send reinforcements by Trebizond would be at best a palliative. To establish an entrenched camp at Redout-Kaleh would, at this unhealthy season, be equivalent to consigning the troops to destruction."

He then goes on to explain the propositions made by the Turkish Ministers, which were in effect, "that an expeditionary force should be composed of 12,000 men from Batoum and the neighbouring stations; of the troops made over to General Vivian, and estimated at 10,000 of all arms; of General Beatson's Irregular Cavalry, of 10,000 men to be detached from the army in Bulgaria as the complement of the Turkish Contingent; of 5,000 more derived from the same source; of an Egyptian regiment of horse now here, and of another regiment expected from Tunis. To these the Seraskier proposed to add 2,000 Albanians by way of riflemen. These several forces completed, according to the figures, would present a total of 44,400 men, not, perhaps, to be reckoned with prudence at more than 36,000 effectives." Upon the same day a despatch was received from Lord Stratford de Redcliffe, urging upon the Government the propriety of attempting to save Kars, and that despatch was accompanied by a memorandum drawn up by General Mansfield, entering into the details which it was necessary that the Government should be made acquainted with in order that they might be able to make the attempt. At that time it was proposed to employ the Turkish Contingent, and I think that it is important to the character of General Vivian to point out that he did not oppose the expedition. General Vivian said that it was one thing to throw an army upon the territory of an enemy, but that it was another to provide proper means of transport for it when thrown there. Now, let the House consider what was the plan laid down by Lord Clarendon for the relief of

Kars. That noble Lord, in a despatch dated the 13th of July, 1855, wrote to Lord Stratford de Redcliffe and told him—

> "Her Majesty's Government are of opinion that the wiser course would be to send reinforcements to the rear of the Turkish army, instead of sending an expedition to the rear of the Russian army. The reinforcements might go to Trebizond, and be directed thence upon Erzeroum. The distance from Trebizond to Erzeroum is less than from Redout-Kaleh to Tiflis, and the march is through a friendly instead of through a hostile country; and at Erzeroum the army would meet supporting friends instead of opposing enemies, and supplies instead of famine. If the army of Kars cannot maintain that position against the Russians it should fall back upon Erzeroum, and the whole Turkish force should be concentrated there. If the Russians are to be defeated, it will be easier to defeat them by the whole force collected than by divided portions of that force; and a defeat would be the more decisive the further it took place within the Turkish frontier. Trebizond is a port where supplies of all kinds might be landed; and Her Majesty's Government believe that it is a healthy place, and that Erzeroum is so likewise. Such an arrangement as that which I have described would give time for collecting and organising the various detached corps of which the proposed army of 40,000 men is to be composed; and Her Majesty's Government entirely concur in Lieutenant General Vivian's opinion, that an army thrown on a coast without means of transport and supplies is doomed to destruction."

Now, that despatch contained rather a free translation of what General Vivian did say, for he said nothing about an army being doomed to destruction—all that he said was, that before landing an army on an enemy's coast it was essential to consider all the details, for it was one thing to land an army and another to move it. Now, let us consider this plan. The noble Earl objected to sending succour anywhere except to Trebizond. That was the plan of strategy embraced by the noble Earl. Now, the opinion of the noble Earl or of the noble Lord at the head of the Government on a question of foreign policy, no doubt, would be very valuable, but on a matter of strategy the case is not quite the same. Does anybody living, any military man, entertain the opinion now that the plan of the noble Earl was a good one? Could the noble Earl have known anything about the country or the means of transporting munitions and *matériel* of war? Why, the proposal made in this luminous despatch for an army, with all its *matériel* and artillery, to march from Trebizond to Erzeroum would have occupied from three to four months. The road was merely a mule path over which it would be almost impossible to drag artillery, and, in point of fact, in the last war, Paskiewitsch, when within forty miles of Trebizond, found the road impracticable for artillery, and did not attempt the passage. Now, how was this proposal looked upon by military men who had had the advantage of experience to guide them? Why, Sir, the opinions of Omar Pasha, of General Guyon, of General Mansfield, of Colonel Simmons, of the whole of the members of both French and English embassies, were in direct opposition to the opinion of Lord Clarendon and of the noble Lord the Secretary for War. I repeat that the opinion propounded by Lord Clarendon in this despatch was upheld by nobody. What! fall back upon Erzeroum! Why, Sir, upon the 11th of July a letter was received from General Williams, almost charging the Governor of Kars with treachery for suggesting the abandonment of that town. That letter was in the possession of the Government when this cowardly suggestion was made—and made to such a man as General Williams—to fall back upon Erzeroum. Why, do you suppose that if the army had fallen back, having abandoned Erzeroum, that distinguished soldier, Mouravieff, would have followed it? You would have been doing the very thing he wanted you to do, and so far from molesting you he would have said, "Good morning, gentlemen, I wish you a pleasant journey; you are on your way to Trebizond, and I am on my way to Constantinople." The proposal was a terrible mistake. I say a mistake, because no one can for an instant believe that any Member of the Government, and least of all the Secretary for Foreign Affairs, would wilfully do anything prejudicial to the interests of his country. The object which he had in view was to defend Asia Minor, and was that to be done by abandoning the key of it? And yet, with that object before it the War Office of England suggested to General Williams the propriety of falling back on Erzeroum, and thence upon Trebizond. I can well imagine the feelings of the gallant General Williams when he read that despatch. "Burn it," he would say, "destroy it immediately; let it not be whispered for a moment that such a proposal has been entertained; for it would discourage the troops and lead to the fall of Asia Minor. I will not act upon this suggestion, but, on the contrary, I will fight against famine and against the Russians to the very last, because I know that it is my duty to my country to maintain as long as I can the key of Asia Minor, the loss of which will tend only to make the war inglorious, and to lead to an ignominious peace." No, Sir, that despatch, I am happy to say, produced no effect on General Williams, and the military officers whom I have consulted upon this subject all agreed as to the necessity of holding Kars and Erzeroum as long as England had the power of sending assistance there. The interests of this country, the interests of Asia Minor, were signally abandoned by the advice contained in that despatch, and I know nothing that would have given greater satisfaction to General Mouravieff, when Kars fell into his hands, than to find a copy of that document, for it would have taught him for the future what might be expected from the War Department of the British Government. Now I come to the next plan proposed. The next plan was to send detachments of 25,000 men. Now, let me remind the House that it was always maintained by General Mansfield, and all the military men who have written upon the subject, that some effort should be made to relieve Kars by operating by the way of Kutais and Tiflis. That plan, however, was directly opposed by Lord Clarendon and Lord Panmure. On the 14th of July, Lord Panmure, in a despatch to General Vivian, says:—

> "War Department, July 14, 1855.
>
> "Sir,—I transmit herewith, for your information, a copy of a despatch (No. 248) which the Earl of Clarendon has addressed by the present opportunity to Her Majesty's Ambassador at Constantinople, on the subject of the plan proposed by the Porte for the relief of the Turkish army at Kars, and I have to acquaint you that I entirely concur in all that is said in that despatch as to the objectionable character of the plan proposed by the Porte. I place such full reliance on your professional ability that I feel no anxiety lest you should undertake any expedition of a nature so wild and ill-digested as that contemplated by the Porte. While it is your duty to give every aid in your power, not simply as commanding the Contingent, but as a British officer enjoying the confidence of Her Majesty's Government, to our Allies the Turks, it is at the same time necessary that you should be cautious in not risking the honour of the British name and your own reputation by undertaking military operations for which proper bases have not been laid down, communications opened, supplies arranged, and transport provided. A *coup de main*, by means of suddenly throwing an army on the coast to threaten, or even to attack, an enemy's stronghold, is one thing; but a deliberate expedition to invade an enemy's country, and on his own territory to make war upon him, is quite another. In the first case, something may be hazarded; but in the other, every preparation must precede action. Moreover, from all the information which has reached me, I have every reason to believe the army of Batoum to be in a deplorable state. I know the Contingent to be scarcely organised; of the Bulgarian troops you can have no knowledge, and I presume that Beatson's Horse are as little reduced to control and discipline as your own troops."

He then signs the death-warrant of Brigadier General Williams and our fellow-countrymen in Kars, in these words:—

> "In short, I am sure it would be madness to succour Brigadier General Williams in this way. It is too late to regret the policy which has left that gallant officer and his army exposed to such straits; but it would be opening the way to fresh failures to follow out the schemes which have been proposed for the relief of that gallant officer."

You see he there expresses the opinion that General Beatson's Bashi-Bazouks were as unfit for action as he assumes the Turkish Contingent to be. Unfortunately for the noble Lord, General Beatson has written a book, in which he flatly contradicts the noble Lord. He uses these words:—

> "On the 12th of September I officially reported to Lords Stratford and Panmure the efficient state of my force (having before made similar applications to go on service on the 7th of July and 14th of August), and consequently begged to be sent on service, offering, upon my own responsibility, to take up transports and embark my men for Eupatoria, Yenikale, Batoum, or Balaklava. Had we been sent to Kars at that time, the fate of its heroic garrison might have been changed; we could have conveyed any amount of provisions, and could have collected them, had such duty devolved upon us. But the Ambassador and the Minister for War preferred to accept the evil reports current; my men were officially pronounced unworthy to stand before the enemy. The next year's campaign in Central Asia will show the fatal effects of the fall of Kars. Had common energy been displayed in supporting the Turks — had the Turkish Contingent and the Bashi-Bazouks been marched when I urged the measure—had 'Company's officers' been suffered to distinguish themselves, the expulsion of the enemy from his Transcaucasian conquests would have been comparatively easy. Now, the war in Asia will assume a formidable aspect; the expenditure of men and treasure will be increased fourfold; and even in Europe our political rivals will charge us with yielding Kars as a makeweight against the southern suburb of Sebastopol."

There is an answer to the despatch of the noble Lord at the head of the War Department—an answer from an officer who has distingushed himself by his command of irregular cavalry. You will shortly see what a shocking transaction, what a horrible case this is. When, on the 29th of September, General Williams defeated the Russians, he said that had he had a few hundred cavalry the remains of that army would have been destroyed. His friend, Dr. Sandwith, who was not a military man, said that this might have been effected with 1,000 men. These Bashi-Bazouks were irregular troops which had been proved to be superior to the Cossacks; yet, while their presence was so urgently required at Kars, they were fighting at Constantinople. General Beatson saw that they wanted to be engaged in these operations, and he himself undertook to take up transports for their conveyance. The Ambassador, who quarrelled with everybody, quarrelled with General Beatson, and then the War Minister pronounced upon the corps the opinion which I have quoted. Who was most capable of understanding these troops—the general who commanded and had always been with them, or the head of the War Department? Am I pressing the despatch of Lord Panmure too far against the noble Lord when I say that, although conscious of the state of things in Asia, he said there were no means of relieving Brigadier General Williams and his friends? Here is a War Minister of a suggestive mind! Here is a man of capacious intellect! Here is a Minister to conduct a great war! It was said by Edmund Burke, in proposing his measure for the conciliation of America—and the observation is a profound, although apparently a very simple one—"It is easy to object;" and a greater philosopher than Burke has described to us a class of persons who appear to be wise by always objecting, because then there is an end of the business; whereas, if you were to assent, there would be something to be done, some energy to be employed, some skill to be made use of, some risk to be run, from which the small mind shrinks, and against which it shelters itself under its own incapacity, pronounces that the thing cannot be done, and leaves valuable lives and the honour of the country to be sacrificed by its imbecility. With the exception of the small artifice on the part of General Simpson of sending a French officer to Constantinople, under pretence of being sick, that he might watch Omar Pasha, the conduct of the military men was throughout most creditable. They were all of opinion that the thing ought to be done; that in war some risk ought to be run. The War Minister said, "It is too late to suggest anything, to contrive anything, or to do anything. That is my opinion. It costs me no little labour and trouble to give that opinion. Take it for what it is worth." The officers did not understand the character of our War Department. General Mansfield and the others proceeded with their preparations. On the 30th of July they had made all arrangements for the despatch of the expedition upon the receipt of an order from home. That order negatived everything which had been proposed. All this happened at Constantinople. Let us now glance at what occurred in the Crimea. Omar Pasha, being in the Crimea with a force of 60,000 men, for which there was no occupation, and having received a copy of a despatch written by General Williams in June, saw the whole state of the case, and on the 11th of that month he requested an interview with the Commanders of the English and French armies. It is worth while to compare the reasoning of a Turkish statesman with that of the head of the War Department and of an English civilian. Omar Pasha says—

> "I hasten to inform you that yesterday, after I had addressed to your Excellency the note of the 11th of July, I received from my Government a despatch informing me that the whole of Turkey in Asia up to the gates of Constantinople itself is undefended, and entreating me, as every hour is of the greatest value, immediately to find the means and to put into execution the measures necessary to avert the great danger in which the Government of Turkey, and, in consequence, the cause of the Allies, are placed. Under these circumstances, since I have in the Crimea 60,000 Turks, of whom the greater part are Asiatics, and whose families and property are exposed to the ravages of the enemy, and since I find that that army is inactive in the Crimea, without any prospect of immediate service that I can discover, I consider it my duty to my Sovereign and the common cause to renew to you the proposal which I made in my note of the 11th of July."

Omar Pasha is a man of vigour and decision, and Generals Simpson and Pelissier did not like to meet him. On the 12th of July, Colonel Simmons, the artillery officer who was attached to the staff of Omar Pasha, wrote to General Simpson—

> "Omar Pasha sent to you yesterday a note in which he proposed that he should go with the 25,000 men he had brought from Eupatoria to make a diversion in favour of the garrison of Kars and the Ottoman army in Asia. Since sending that note he has received a communication from the Government of Constantinople, in which he is entreated to consider what can be done to save the interests of Turkey in Asia. The Government inform him that, if Kars should fall, there is no force to prevent the Russians marching directly upon Constantinople; and it is probable that success on the part of the Russians would decide the Persians to take arms against the

Allies. The Porte have proposed to General Vivian to take the Turkish Contingent there, and both Lord Stratford and General Vivian have expressed their willingness that it should go. Omar Pasha, however, thinks that there will be great risk in sending them there, as the men are not yet acquainted with their officers; the officers do not speak their language, and, consequently, cannot command them in the field; and the Contingent, although it might form a garrison, cannot yet be in a condition to march into the interior. The force of the Contingent also is small to make the contemplated operation. Omar Pasha also thinks that possessing, as he does, the confidence of the Turks, and being well known in Asia, where he has made several campaigns, he is more likely to gain the sympathies and assistance of the inhabitants in provisioning, in gaining information, &c., than strangers who do not know the language or country."

The Generals had a meeting and a discussion, but that discussion had no result, and Omar Pasha says, in a document written by himself—

"It appears from incontestible information that the Ottoman army in Asia, to the number of 10,000 men, blockaded in the entrenched camp of Kars by a superior Russian force, is in a position in which it is probable that, from want of food, if not from some other cause, it may be obliged to capitulate. The Commander of that army, finding that his communications with Erzeroum were cut off, required on the 23rd of June, in the most pressing manner, that reinforcements might be sent to him with the least possible delay, or that a powerful diversion should be made on the side of Redout-Kaleh. It is to be considered that if the garrison of Kars should yield, Erzeroum, which from its situation is a difficult town to fortify, will fall into the hands of the enemy. By this means he would become master of the communications with Persia, and of a great part of Asia Minor—a success which would have a great effect upon the war. The object, therefore, of saving the town of Kars and its garrison, which is in fact the Ottoman army in Asia, demands the serious and immediate attention of the allied Powers."

On the same day five or six important documents reached Lord Clarendon, and among them a most important paper by the Turkish Minister (Fuad Effendi), which was drawn up with excellent taste, and in most appropriate language. On the 5th of August, however, all the former ideas of the War Office had changed. Now Lord Clarendon takes up his pen and writes to Lord Cowley; and how, it would be asked, did Lord Cowley come on the *tapis?* It was in this way: Omar Pasha, when he was told that we would not allow our Contingent to go to Asia, proposed that the Contingent should be sent to Balaklava, and that he should be allowed to draw from there a number of Turkish troops equal to them in number, with which he would himself perform the operation in Georgia. The offer was so reasonable that the mere mention of it would seem only to be requisite to secure acquiescence in it. Not so, however. The men who directed the war were 2,000 miles off. The authorities at home undertook to give orders as to details which they did not comprehend; they directed eminent generals who knew all about the matter very much better than themselves, and consequently everything was confusion and delay. On the 1st of August, Lord Clarendon writes to Lord Cowley in these terms—

"My Lords,—I transmit to your Excellency herewith a copy of a despatch from Viscount Stratford de Redcliffe respecting the suggestions made by Omar Pasha during his visit to Constantinople for the relief of the Turkish army at Kars; and, with reference to that passage in which his Excellency states that the result of the deliberations of the Divan was, that the troops to be employed in the manner suggested by Omar Pasha, and under his command, should be taken from Eupatoria to the amount of 20,000 men, and from Bulgaria to the amount of 5,000 men, and that the British Contingent, with its numbers completed, should occupy the vacant space at Eupatoria, I have to state to your Excellency that Her Majesty's Government are favourably disposed to this proposition, and they hope that the Government of the Emperor will concur in it."

This was not concurred in at first. Throughout the whole of the book you will find that nobody ever concurs in anything; there is an enormous quantity of writing to and fro, but very little progress made. Accordingly, Count Walewski foresees objections to the proposal, but says he will lay it before the Emperor. Lord Clarendon then writes a reply to Lord Cowley which entirely puts an end to all possible reference to the French alliance, as having anything whatever to do with the vacillating and procrastinating policy of the Government. It is dated the 3rd of August, and, after acknowledging the receipt of Lord Cowley's despatches, containing Count Walewski's answer, it goes on to say—

"Her Majesty's Government, however, consider the relief of the Turkish troops in Asia of such vital importance that they cannot abstain from laying before the Government of the Emperor the various arguments by which they consider the plan recommended by them may be supported."

A discovery which the noble Earl might have made just as well in March as in August. Then follow a series of truisms, which were truisms months before, and might just as well have suggested themselves then to the noble Lord's imagination—

> "It is plain that without assistance the whole Turkish force in Asia must be destroyed or captured. The force at Kars is surrounded, and even if able to defend its position against assault, which may be doubted, it must surrender when its provisions are exhausted, and that will happen in a few weeks. The immediate result would be that 13,000 Turkish troops would become prisoners of war, and a strong position be occupied by the Russians. But, moreover, Kars taken, Erzeroum must share the like fate, and the whole of the neighbouring country would be in the hands of the Russians, while the season would be too far advanced for military operations to drive them out of it. If, on the other hand, the Allies do not take Sebastopol before the winter, the Russians, by occupying Asia Minor, will have a considerable advantage over the Allies; and as the Russians have nothing to do on the Danube, and are free from apprehension anywhere to the north of the Danube, they can send into Georgia, and thence into Asia Minor, a force of considerable magnitude. This would be striking a serious blow at the Turkish Empire, and one the effects of which it would be difficult to remedy. If, on the other hand, Omar Pasha were to go to Redout-Kaleh or Erzeroum with a sufficient force, the Russians would be driven back or forced to retire. Omar Pasha's knowledge of Asiatic Turkey would give him advantages in carrying on war there which no other commander can possess, while in the Crimea his presence is comparatively of no value."

Mark that. The defence I know will be, that it was all-important for the Crimean campaign to keep the Turks in the Crimea; but here you have it, under Lord Clarendon's hand, that Omar Pasha was comparatively of little use there. The noble Lord then goes on to say—

> "Her Majesty's Government, indeed, feel doubtful whether, if the Turkish Government should desire to avail itself of Omar Pasha's special qualification for service in Asia, any just objections could be made to the Porte's utilising in that quarter the services of one who has proved himself to be so able a commander, and who has succeeded in organising an efficient army at a moment when some of the most important provinces of the Turkish Empire are invaded by the enemy, and when a considerable Turkish force is in danger of being made prisoners of war. Her Majesty's Government would doubt whether it were wise, even if they felt sure that they had the right to do so, to object to the adoption by the Porte of such a course, especially as the transfer of the Contingent under Lieutenant General Vivian either to Balaklava or to Eupatoria, whichever might be deemed best, would fill up, or nearly so, the void occasioned by the removal of Omar Pasha and a portion of his force to Asia Minor, and the reinforcements sent to Lieutenant General Vivian and to the British and French armies would add still further to the aggregate force of the allied armies in the Crimea."

Every word of this despatch is of consequence in discussing this great subject; every word in it is true, except that the date of it ought to be altered from August to March; because it was just as true then as in August, and it furnishes an irresistible argument to show the shortsightedness and the feeble policy of the Government. The answer to this despatch is dated Paris, and it is to the effect that the French Government will not oppose the project of the expedition to Asia under Omar Pasha, "providing the number of Turkish troops before Sebastopol is not diminished." This answer puts an end to all doubt upon the subject. The consent of the French Government is given, and nothing more remains, one would think, but to send orders for the despatch of the necessary troops. But, no. Lord Clarendon unfortunately sends a telegraphic despatch to General Vivian to take the Contingent to Eupatoria, while the Turkish troops which Omar Pasha wished to take with him to Asia happened to be at Balaklava. Such was the perverse mismanagement, the inscrutable policy of the Government. Another whole month was taken up in correspondence as to whether the 10,000 Turks should be taken from Eupatoria or from Balaklava. It is due to Lord Stratford to say, that from the moment his quarrel with Brigadier Williams was ended he acted, in my judgment, with zeal, fidelity, talent, activity, and knowledge; and he was always right, and the department at home was always in the wrong. His despatches are full of the most admirable reasoning, just observation, and sound common sense. He certainly contrives always to put Lord Clarendon in the wrong, and I suspect he did not find that so very difficult after all. He pointed out at this very moment that much precious time was being lost; and, indeed, from the time his quarrel with Brigadier Williams ceased he never ceased to urge upon the Government the necessity for immediate and decisive measures for the relief of the beleaguered garrison. Well, I think it would have been well if the strings of the electric telegraph had been cut, as it appears to have been the cause of a great deal of mischief; for no sooner is a despatch received to-day than it is contradicted tomorrow. Thus, on August 9, there was sent from the Foreign Office a despatch directing that General Vivian's Contingent should go immediately to Eupatoria. Then

Colonel Simmons states that Omar Pasha had considered the subject, and had come to the conclusion that the troops should go to Balaklava. What is the House to think of our War and our Foreign Departments? The original despatch sent to the Government of France was to the effect that the Contingent should be sent to Balaklava or Eupatoria, as might be deemed best. Omar Pasha designates Balaklava, and so the discussion goes on, precious time being lost until the season for action is past. I hope the House has read the excellent arguments given by Omar Pasha against sending the troops in the direction of Trebizond, whence the roads to Erzeroum are so bad as would render the movement of long duration and difficult. We come now to the despatch of the 20th of August, in which Lord Clarendon states—

> "My Lord—I have received your Excellency's despatch of the 8th instant. My various messages by telegraph, and my despatch of the 4th instant, which you will have received since the date of your despatch, will have shown you that Her Majesty's Government, in conjunction with that of the Emperor of the French, were willing that Omar Pasha should proceed to Asia to effect a diversion for the relief of Kars, and Her Majesty's Government, in that case, no longer insisted on the view which they had entertained at first that the relief should be effected by way of Trebizond."

Here, then, is an open, public, and unqualified declaration that they were at first in the wrong. The despatch goes on—

> "Omar Pasha, as commander of the Sultan's troops, will be free to direct his movements in the manner most beneficial to the common cause, and the only limitation placed by the two Governments on his proceedings is the condition that the movement in Asia shall not lead to the diminution of the Turkish force employed before Sebastopol and Yenikale, while the Turkish Contingent under General Vivian may be made available for filling up the room of the Turkish troops whom Omar Pasha may take with him from Eupatoria."

This was the old thing over again. The French Government made no condition that the Turkish Contingent should be sent anywhere. The only condition was that the number of troops before Sebastopol should not be diminished, yet Lord Clarendon represents it as a condition that the Turkish Contingent should be sent to Eupatoria—a condition which France had no power to make. Well, the Trebizond affair is now over, and August is pretty nearly over too; and now we come to the *finale* of this business. Lord Stratford went to the Crimea, to Balaklava, and on the 26th of August he wrote to Lord Clarendon as follows—

> "I request to be informed definitely and immediately here whether Omar Pasha may take Turkish troops in whole or in part from Balaklava, provided they be replaced by others of the same numerical force; and whether General Vivian's Contingent is in that case at liberty to take position before Sebastopol, instead of going to Eupatoria? Omar Pasha is expected from day to day. He makes his expedition conditional on the power of acting as above. He has stated plausible reasons for this. If transports can be spared by us [the troops?] may land, it would seem, at Redout-Kaleh in about a month. The Russians, who threatened Erzeroum, have retired by the road to Kars. The Turkish army there is stated to have nearly two months' provisions early in August."

On the 28th of August, Lord Clarendon replies that Omar Pasha is at liberty to take such of his troops as he pleases from Balaklava to Asia. Is not this melancholy? But then Lord Clarendon thinks it necessary to write over to the French Emperor, and accordingly there is another despatch from France by the telegraph, in which it is stated that "the Emperor has no objection to the removal of the Turkish troops from Balaklava and to their being replaced by others, provided the allied Commanders in Chief have no objection." It was necessary accordingly to send to the Crimea, and the matter was left as before, for then Omar Pasha had to contend with the chiefs, while Brigadier General Williams had previously written from Kars that he had there only two months' provisions, except barley, which had failed. On the 16th of August, Lord Stratford wrote from Therapia that—

> "The Pasha objects most positively to the plan, transmitted from London by telegraph, of stationing the Contingent at Eupatoria; and he is not prepared to assume the responsibility of commanding the expedition unless the Turkish troops before Sebastopol be allowed to form part of it."

Lord Stratford goes on to say—

> "I have also received from Brigadier General Mansfield a series of remarks corresponding in a great measure with the views of the Ottoman Commander in Chief, and I feel myself bound in duty to recommend the contents of both these papers to the serious and dispassionate consideration of Her Majesty's Government. I cannot presume to offer a personal opinion on matters of this kind, but neither can I conceal my impression that a disregard of Omar Pasha's advice would expose the success of a very important and unavoidable enterprise to the most perilous chances."

This despatch was received on the 29th of August, so that the debate goes on without end, each party proposing and each contradicting, so that nothing is positively decided. At last it appears that Colonel Simmons imagines that everything is done, and that a movement may be commenced. But after it was commenced he wrote to Lord Clarendon, saying that, though the Turkish Government has commenced a movement, and is embarking troops, they entertained a doubt, in consequence of the Contingent receiving orders to go to Eupatoria and not to Balaklava; and the letter contained an unpleasant sentence, to the effect that the Porte, having done all in its power to effect a movement for the relief of the army at Kars, considered itself relieved from responsibility for any disaster in consequence of the non-execution of any of the plans which had been proposed. It was impossible to read these despatches except with sentiments of pain. Lest the House might think that all difficulties were now removed, I will read a despatch, written on the 7th of September by Lord Clarendon, who seemed to have been groping among some old papers, and to have found something written by Colonel Simmons of a much anterior date—

> "Sir,—The account of the arrangements proposed by Omar Pasha for the relief of the army in Asia which is contained in your despatch of the 26th ult. is inconsistent with subsequent statements which have reached Her Majesty's Government. In your despatch you report that Omar Pasha reckons upon taking a portion of the Turkish troops from before Sebastopol and replacing them by General Vivian's Contingent. But it appears by a despatch of a later date from General Simpson that Omar Pasha has given it as his opinion that General Vivian's Contingent would not be fit to take up a position before Sebastopol until next spring; and in consequence of that opinion, and by reason of General Simpson's protest against having the Contingent sent to him, which protest was founded upon Omar Pasha's opinon, Her Majesty's Government have determined that the Contingent shall not go to join the army before Sebastopol."

To this the noble Lord received a crushing reply from Colonel Simmons. Colonel Simmons, in his despatch of September 23, explains the apparent inconsistency of which he had been accused by Lord Clarendon by stating that Omar Pasha had changed his opinion with regard to the expediency of placing General Vivian's Contingent before Sebastopol, and gives the reasons which had caused that change of opinion. What is the result of this despatch? Why, it amounts to nothing more than this—In July, Omar Pasha thought it would be better to train the Contingent in a fortified town than to expose them in the open field, but he afterwards changed his opinion. Yet, in consequence of that opinion having been expressed in July, Lord Clarendon, on the 7th of September, annihilates all hope of effecting a diversion in Georgia! Thus every proposition for the relief of Kars was rejected, and the only excuse that can be made out by the Government is something about the French alliance—a pretence entirely got rid of by the original despatch of the French Government allowing any measure to be taken, provided the number of troops before Sebastopol was not diminished. But I wish to know, irrespective of any other question, whether the Government understoood the paramount necessity, which was pressed on them from first to last, of supplying the army in Asia with provisions. In September, 1854, Mr. Brandt informed them that the harvest was most abundant, and that supplies of all kinds could be secured by—what?—by the command of a little money. And there are no less than ten or twelve despatches, all pointing out the necessity of supplying the commissariat and the transport corps, some stating that any number of bullock carts might be procured by honest payment, and others urging the necessity of obtaining for General Williams the superintendence of the commissariat. But the necessary commission for that purpose is never obtained by Lord Stratford, and General Williams, as usual, assumes the right of acting, and he states the result in a letter of May 7, 1855, to Colonel Lake. He says that he had represented the dangerous scarcity of provisions to Tahir Pasha; that he contrasted the sum of £1,000, which would cover the increased rate of hire of mules, with the disgrace of a retreat from Kars at the eleventh hour; that Tahir Pasha immediately assented to his suggestions; that within the last two days 2,000 animals had been despatched with provisions and medicines, and the result had been, as he expected, prices had fallen in consequence of the prompt payment he had guaranteed, and Tarif Pasha had engaged 2,000 more mules. This is a clear case, and it is further corroborated by a passage in Dr. Sandwith's book. I suspect that Dr. Sandwith could have told us a great deal more than he has, if he had liked; still he has told us something. After describing the exertions of General Williams and the refusal of the Pashas to interfere, Dr. Sandwith proceeds—

> "At last the General's indignation impelled him to take the matter into his own hands, and then what a scene followed! No sooner was it known that the English Pasha wanted baggage animals, and that he was guarantee for the pay, than hundreds of mules and horses were at hand, and the first batch was instantly engaged at the price asked. This naturally attracted a still larger supply; the price consequently fell, so that, although the hire of the first hundred animals shocked the ideas of the Pashas, they were astonished to find that crowds offered themselves, and that the prices fell in proportion. Had not General Williams taken into his own hands the whole commissariat, Kars must have fallen from famine in a week; while with the key to Asia Minor thus in the hands of Mouravieff, and the summer before him, there was not an obstacle which could have prevented the Russian overrunning the whole empire to the Bosphorus. It is difficult to know which shall exceed, admiration or regret, for while we cannot too much rejoice that that calamity was averted by our General's prompt decision and energy, we must lament that he did not enter Kars armed with plenary powers on this especial question, for then Kars would have been saved."

I cannot comprehend how this part of the case is to be answered. I asked a military man, acquainted with the country, what sum of money would have saved Kars. He thought £50,000 would have been sufficient, but £100,000 would have been an extravagant sum. Will any one tell me that if the Minister had asked the House for that sum to save the key of Asia Minor he would not have obtained it? A Ministry that undertakes the conduct of a war cannot escape from responsibility by saying that they did not choose to ask for money. If they had asked and been refused, the case would be very different. At the time of the Spanish war the Government—we then had a Government of ability—did not ask for permission; they did what they thought necessary. Surmising what may be the answer to this part of the case, I will now show that one more futile was never attempted. I undertake to say that it was determined to give no assistance to the army at Kars. This is a strong assertion, but I make it deliberately. After the debate in this House upon the Turkish loan, Lord Panmure, in another place, expounded the sentiments of the Ministry with regard to the conduct of the war. Lord Panmure knew that the state of things in Asia was desperate; he had written the despatch of the 14th of July, in which he said that it was too late to do anything, and regretted the policy by which General Williams had been abandoned, and he had read Lord Clarendon's despatch to the French Government, stating that, unless assistance was sent to the army in Asia, Kars was lost. A noble Earl (the Earl of Ellenborough), who, in the other House, from first to last endeavoured to hammer some sense into the heads of the Government, said, upon the 3rd of August, relative to the necessity of relieving Kars:—

> "I have, from the very first, earnestly, but fruitlessly, endeavoured to impress upon Her Majesty's Government and the House the necessity of attending to the war in Asia. When news arrived last year of the defeat of the Turks in front of Kars, General Williams was sent out, and he has now with him three officers, and but three officers. That, I believe, is the only assistance which has been given in Asia; and those officers are obliged to work all day, overlooking the fortifications, and to go out all night to the outposts, because there are no persons on whom they can rely for the performance of those important duties. I say that is a great neglect. It is a neglect of the interests of Turkey and of the Allies, for you may depend upon it, if once Russia is in possession of Erzeroum, she will hold that place, and Turkey in Asia, and Persia also, will be at her command, and she will have gained as much as she will have lost if you should capture Sebastopol."

Now a more direct appeal to the Government to know what had been done in Asia Minor could not be imagined. Lord Panmure, in reply, spoke these words. He said—

> "My Lords, in reference to the position of affairs in Asia, I must say that I regret this as much as the noble Earl. But Turkey is in that quarter able to maintain herself against her enemy; and I should have some hesitation, considering the difficulties to which I should expose Her Majesty's troops, in placing them in that part of Asia where the Russian troops now are. The noble Earl has threatened Her Majesty's Ministers in the month of November with a visitation of public opinion."

Now, I ask the House whether a grosser deception could be put upon the people of this country than that representation of Lord Panmure's on the 3rd of August, when he was charged with a neglect of duty in the prosecution of the war—when he was asked, what he intended to do, and when he intended to do it. The Turkish loan was then before Parliament. Let this sentence never be forgotten:—"Turkey is in that quarter able to maintain herself." Now, I appeal to the House and to the country to say, is that candid? Is it fair? Is it true? Did the Duke of Newcastle ever do anything like that?

Did Lord Panmure write a despatch on the 14th of July to say that there was no room for hope? Did this noble Lord who is the War Minister of England write a despatch to say it was "too late to regret the policy which has left General Williams and his army exposed to such straits?" Did he read that despatch of the 3rd of August to the French Government? He did. And yet, when asked in public for information relative to the war, he says, "I think Turkey in Asia will be able to maintain herself." Why, if the House will pardon that conduct on the part of a Minister who is bound to speak the truth —if it will tolerate conduct such as that—talk not to me of Ministerial responsibility. It is a farce. That statement was made to lull the public suspicion—to calm the public mind. It was made as Parliament was about to break up for the Session. I impeach this Minister for shameful neglect, and I charge him with having failed in his duty, not only to his Allies and to his Sovereign, but to the sacred cause of truth. Kars was beleaguered and its garrison starved. Those gallant officers who defended Kars heroically I should be ready to thank upon my bended knees for what they have done for England. Is there any man in this House who believes that when our Plenipotentiary entered the council-room at Paris he was not met by the conquest of Anatolia and the capture of Kars? I was not there, but I believe as firmly as if I had been there, that the first thing Lord Clarendon heard at Paris from the Russians was, "We shall give you very little of Bessarabia, because we have taken Kars and Anatolia." Why, here were 6,500 square miles of territory. What saved you from disgrace at Paris was the resolution of General Williams in having maintained himself at Kars so long and saved Erzeroum—in having battled with famine and an overpowering force, and in having, on the 29th of September, won a splendid victory against the very enemy who afterwards obliged him to succumb. If the Russians had taken Erzeroum and Asia Minor, what sort of a peace should we have obtained? Can Her Majesty's Government comprehend the load of debt which is due to those noble men who contended against famine and despair, and who saw those around them supporting nature by tearing to pieces the decomposed remains of buried animals? That peace would have been most unsatisfactory but for the bravery of those four Englishmen, and their doctor and secretary, Mr. Churchill—who, on one occasion threw away his pen and pointed a gun—who on the 29th of September won a glorious victory, so that, according to the statements of Dr. Sandwith and General Williams, but for the want of a few cavalry the Russian army would have been annihilated. But at length the Turkish army was obliged to surrender, and the Government is ready to knight General Williams. Lord Clarendon is indignant when he hears that Kars is taken. He writes to direct that the Governor of Erzeroum may be brought to trial; he says, "Arrest Tahir Pasha, and let him be tried for cowardice and treachery." Is this the way to correspond with your allies? What right have you to address an independent Power in this way? Was it for Lord Clarendon, who had sent them no men, no provisions, no help,—who had given them nothing but smooth words, to say, "Bring Selim Pasha and Tahir Pasha to trial?" Lord Stratford replied that he had told the Porte what his Lordship said; but, he added, "General Mansfield informs me that General Guyon, in speaking of Selim Pasha, described him as a man of undoubted courage." He had served under Sir C. Napier in Syria, and what is the ground upon which he or Tahir Pasha are charged with cowardice? The Governor of Erzeroum did not march out of Erzeroum with 5,000 men to attack Mouravieff with an overpowering force. Why, if General Simpson had been at Erzeroum with a similar force, would he have gone? I do not believe he would have gone a yard. And you insisted upon bringing the Governor of Erzeroum to trial. If he had been one of your own generals would you have done so? Not at all; you would have given him three medals. That charge of cowardice is a strong charge to bring against a military man. I represent a military constituency, and lately they presented three brothers distinguished in the Crimea with three swords. Suppose some one had said that those men were rank cowards; what would be their feelings? One of these Turks censured by Lord Clarendon commanded the artillery in a bravely fought engagement. He was educated at Woolwich, and was as brave a man and as good a soldier as ever stood before an enemy. But that is not all. Irony is not the noble Lord's forte; but he had got hold of a letter written by the Porte to the defenders of Kars. I believe it to have been sincere. In the letter there is this passage:—

> "The signal victory which you have gained by the grace of God, and under the auspices of His Majesty the Sultan, is an event which will fill a bright page in history. The courage and valour displayed on this occasion by your Excellency, the officers and soldiers of the Sultan's army under your command, and by the inhabitants of Kars, are deserving of universal praise. They have been duly appreciated by His Imperial Majesty, who has graciously extended his Royal favour towards yourself, the army under your command, and the people of Kars, in reward of the brilliant service rendered by them. The sufferings undergone by the Imperial forces beleaguered in Kars have troubled the sleep and repose of all of us, and we have never ceased to pray for their safety and success. We were conscious of the zeal and intrepidity which animated your Excellency, and of the infinite mercy of God, and found consolation in this reflection. On the other hand, we worked day and night in devising means to oblige the enemy to raise the siege, and the joyful tidings of this victory has infused new life into us. Such a service rendered to our gracious master is a glory to the State and to the nation, and His Majesty has permitted that we likewise, as companions, should offer our thanks and congratulations to our brethren, who have been made worthy of so great a victory. We, therefore, from the bottom of our hearts, offer our warm thanks and congratulations to your Excellency and all the officers and troops of the army, our brothers; and by that you will convey the same to all of them, with our prayers for their prosperity and salvation."

The noble Lord had the good taste and good feeling to write the following despatch to Lord Stratford—

> "With reference to your Excellency's despatch of the 4th inst., I have to state to you that Her Majesty's Government concur with your Excellency as to the character of the letter which the Sultan's Ministers have addressed to the defenders of Kars. The neglected garrison of Kars will at least have the satisfaction of knowing that their sufferings troubled the sleep and repose of the Turkish Ministers, who, in default of all ordinary measures of relief, never ceased to pray for their safety and success."

And is that a letter that ought to have been written by a Minister of England to the Minister of an independent Power? Is it intended for irony? Is it sarcasm? I do not ask if it is just. But there are two questions I should wish to put to the noble Lord. Did he ever hear of a country whence went forth the youth, the manhood, the high spirit of the land to fight in a distant place for the glory of that country? Did he ever hear of their being abandoned by their Government to perish by starvation, by cold, and by every combination of wretchedness; and did the miserable fate of his countrymen ever trouble his slumber or disturb his repose? I have another question to ask the noble Lord. We have heard that some of the Turkish officials have been accused, brought to trial, and punished. Did the noble Lord ever hear of a country where officials are not dismissed or punished for mistakes or delinquencies, but where, in daring defiance of public opinion, they are rewarded and promoted in exact promotion to their demerits and faults? Did he ever of private Judges in Turkey who condemned and degraded officials; or of a Vizier writing to the Judge on a trial, and telling him that, whatever his decision might be, he would protect him? Though I condemn the Turkish Government, I am bound to say that there is consistency in it. There is none here, for, while we have a cold pretence of respecting public opinion and the interests of the public service, at bottom, there is an utter disregard of and indifference to both. Did not the hon. and gallant Member for Westminster state in our hearing that when in August he visited the noble Lord on the subject of Kars he could get no assurance that measures would be taken to relieve the starving garrison of that devoted city? When the hon. Member for Aylesbury called our attention to our relations with Persia he obtained no satisfactory answer from the noble Viscount at the head of the Government—and what is the result? We hear that the Persian Ambassador has been received with great cordiality in St. Petersburg, that he has been loaded with presents, and that an arrangement may probably be made with respect to Herat, on the subject of which Sir John Cam Hobhouse spoke so eloquently. Out of a war with Russia into a war with America—out of a war with America into a war with Persia—out of a war with Persia into a war with Russia again. No men could be more daring than our Ministers as long as there is nothing to be done; but when you come to facts—when the question is how to relieve the garrison of Kars in the speediest and most practicable manner—what is the result? Nothing; weeks and months are permitted to pass away unheeded, and the end is disaster and disgrace. Do not let it be said that I wish to screen Lord Stratford de Redcliffe. I believe his conduct to be deeply blameable; but the attempt to ride off upon the notion that the question is one merely affecting an ill-tempered and intractable public servant is so transparent a delusion that it never can impose upon the House. I ask you now, as men of business and of common sense, are you satisfied with the conduct of the war? There are not two merchants in this House who, if they had retired to the library for half an hour, could not have devised a plan for saving Kars and preserving its garrison and their gallant commander. But we are told in the public newspapers that it is useless to inquire into the past. It is true, Sir, that we cannot redeem the past; but we may take precautions for the future. Peace, with its blessings, may disappear; war, with its horrors, may break forth again; yea, a more terrible war may lurk under a hollow peace—*Mars gravior latet in pace.* It is now our duty to provide for the conduct of the next war in which we may unhappily be engaged. It was a maxim of the ancients never to pardon a second blunder in the conduct of war—a profound maxim, and one which we ought to adopt. Can you refuse to affirm the Resolution which I have placed before you? I ask you fearlessly—not appealing to one party more than another, because I believe that all parties are equally desirous and resolved to maintain the honour and uphold the glory of our country—are you satisfied with the prosecution of the war? How is it possible that you can be so? Are you prepared to say that England could do no more than send four men and a doctor to cope in Asia with the resources of the colossal empire of Russia, leaving them, moreover, to perish without the least atom of assistance? Will you refuse before Europe to acknowledge your obligations to the Turkish army? I have placed that point first in the Resolution, because it deserves the best and most prominent place. The Turkish troops are worthy of your thanks. They gave to your countrymen all they could; they shed their blood for them; they endured famine and suffering in every form and shape; they followed the gallant Williams, proclaiming to the last, "Such a Pasha we never saw before!" Once only were they observed to use the language of murmur and complaint. When commanded to surrender to the enemy they had conquered, it is recorded that they dashed their muskets to the ground and cursed the country which they served and the country which had betrayed them. But in that moment of anguish they mistook the Government for the people of England. There is not an artisan in the country who would not have shared his last crust with them—who would not have shed his blood to save them from destruction. Will you refuse to make public and joyful acknowledgment of your debt of gratitude to the English officers who took part in the defence of Kars? I hardly think there will be a dissentient voice against that proposition. The gallant Williams speaks to you from his captivity—from his bed of suffering—and speaks to your hearts—telling you that the fall of Kars endangered the Asiatic territories of Turkey and involved even larger interests in a great and terrible peril. Can you hesitate further to say that there was a want of foresight on the part of Her Majesty's Government? Where is the foresight—where the ability—where the brilliant enterprise well conceived and ably executed—where the comprehensive design—where the judicious use of the wealth of the world or of that mighty fleet which is said to be able to sweep the seas? Search through this mass of jargon, and you will look in vain for the evidence of wisdom or vigour. Here you have hollow words for heroic deeds—rapid despatches for glorious actions. Turkey expected and deserved more from England, and therefore, Sir, I place this Resolution in your hands, invoking in its support the votes of a patriotic Parliament, as I anticipate the approving voice of an indignant people. The hon. and learned Gentleman concluded by moving his Resolution.

Motion made, and Question proposed—

> "That, while this House feels it to be its duty to express its admiration of the gallantry of the Turkish Soldiery, and of the devotion of the British Officers at the Siege of Kars, it feels it to be equally a duty to express its conviction that the capitulation of that fortress, and the surrender of the army which defended it, thereby endangering the safety of the Asiatic Provinces of Turkey, were in a great measure owing to the want of foresight and energy on the part of Her Majesty's Administration."

The ATTORNEY GENERAL: Sir, if the hon. and learned Gentleman who has just sat down thought it necessary, when he was about to make so powerful and eloquent a speech, to bespeak the indulgence of the House, I cannot but feel how much more necessary it is for me, not possessing any such power as he so eminently commands, and labouring also under indisposition, to ask the forbearance of the House while I enter upon a task which I should have been very glad to be spared. Having, however, taken the trouble of wading through this voluminous correspondence, I feel I should be flinching from my duty if I were not to attempt to answer the hon. and learned Gentleman. I must, however, in the first place, ask the House to descend from those lofty flights into which the vivid and powerful rhetoric of the hon. and learned Gentleman has led him to the more sober region of facts and reality, into which the whole case resolves itself, for it is upon a simple statement of facts alone that the whole question depends. I can lay no claim to that brilliant oratory of which the hon. and learned Gentleman is so great a master; but I do trust that I shall be able in a simple and unadorned manner, to lay before the House a statement of facts, upon which facts I shall ask for an acquittal of those against whom a charge has been brought by the hon. and learned Gentleman. I shall not follow the hon. and learned Gentleman in his discursive range over the earlier history of Russian policy, or of Russian aggression. It is no longer necessary to stimulate the minds of Englishmen with sentiments of hostility towards that Power by pointing out the various acts of aggression and encroachment which Russia has committed. Happily, we have now arrived at a period of peace, and I feel that I may with confidence say, that by the conditions of that peace we have achieved all those objects for which the war was originally undertaken. I will come at once to the case of Kars—and will deal with Kars alone; and there I admit the necessity of going back in the review of events to the commencement of the war, in order that we may see what was the condition of the Turkish army in Armenia at the time when General Williams went out as the British Commissioner. To judge how far the English Government are responsible for the catastrophe of Kars, it is, I repeat, necessary to consider what was the state of the Turkish army at the time that General Williams joined it. However brilliant the success of the Turkish arms on the Danube, in Asia the Turkish army had been greatly discomfited. In July and August, 1854, the Russians had succeeded in driving back the Turks in one case, and in the other, upon an attack being made on the Russian forces, the Turks were discomfited, with great and signal slaughter. It was immediately after this that General (then Colonel) Williams was directed to go to the seat of war in Asia. The Turkish army in Asia was not worthy of the name of an army when General Williams attached himself to it. General Williams himself describes it to have been in a most lamentable condition. Discipline there was none. Nine-tenths of the infantry had never seen service before; they were totally ignorant of the commonest drill; many knew not how to load their arms, and the destitution of the army was dreadful. They had no clothing, no ammunition, nor any stores, but were living from hand to mouth. The horses were in the same miserable condition. They were reduced to half-rations, and were so reduced, both in number and strength, as to be of very little use. At that time there were but six days' forage in Kars. The officers were worse off, if possible, than the men. General Williams describes them as being utterly incompetent, and altogether unworthy of being considered a military force. They were utterly incapable, as soldiers, in action; and when out of action they were, both soldiers and officers, a set of robbers and plunderers. The officers actually robbed the men of their rations—of their meat, bread, and rice; and it was confidently affirmed that the General in Chief of the Turkish army at Kars was at the head of this system of plunder. The medical department was, if possible, worse than the military. There were no medicines, for the Turkish doctors had availed themselves of the laxity of all discipline to make a rich harvest by selling the medical stores, and then pretending either that they had not received any, or that they had been seized by the Russians. The only instruments which were found among the army were such as were perfectly useless, unless, indeed, the whole of the men had taken their families with them, for the only ones discovered were obstetric instruments, and for which I apprehend they could not readily find purchasers. That was the state in which General Williams found the Turkish army, but which he very justly designates as a rabble, and no army. Now, these were circumstances to be taken into consideration when the House was called upon to judge how far the British Government were responsible for the defeat and discomfiture of the army at Kars.

General Williams, on his arrival, sought to remedy that state of things. He urged upon the Governor General at Erzeroum the state of affairs, and pointed out the utter ignorance of the Mushir of Kars, and his incapacity to make proper provision for the garrison, and suggested that magazines should be established. Well, to a certain extent General Williams succeeded. The next thing he did was to apply to Tahir Pasha, the commander of the artillery at Kars, to reduce the insubordination of the troops. In order to do so it was necessary to obtain the co-operation of the Turkish Government; and General Williams not only communicated with the Government of this country, but also with Lord Stratford de Redcliffe, at Constantinople, on the subject. But it is said that General Williams took all these things upon himself without any authority or any communication with the Government at home. It is very true this Government could not give him any authority. All it could do was to give him instructions how to act as the British Commissioner. But the instructions of General Williams were clear and definite. He was, in the first place, to ascertain the condition of the Turkish army, who were the general commanders, what was their capacity, and what reliance could be placed on their military skill. He was also instructed to give all the advice he possibly could, in order to promote the interest of the Turkish Government, and the welfare and success of their army. General Williams was also referred to Lord Raglan, but the hon. and learned Gentleman has said that Lord Raglan gave General Williams no instructions. Now in that statement the hon. and learned Gentleman is wholly inaccurate, because there is to be found among the mass of papers that have been published a very important despatch from Lord Raglan, giving the fullest instructions to General Williams as to what he was to do. Then it was said that General Williams had received no authority from the Turkish Government. Surely, that was no fault on the part of the British Government! The instructions from the Home Government were, that General Williams should obtain from the Turkish Government full authority to act, full instructions from them, and that he should accept every assistance from the Turkish Government, and that its co-operation should be studied. But if these instructions were not sent out by the Turkish Government, as they ought to have been, and this co-operation was not accepted, the Government at home, surely, were not to blame. The instructions sent to General Williams were precise and clear. Well, General Williams then puts himself in communication with Lord Stratford de Redcliffe, and points out to him the defects of the army at Erzeroum and Kars, and he prays that instructions may be sent to the Governor of Erzeroum to forward the supplies that were required by the army at Kars; and he urges, above all things, that Selim Pasha, who was at the head of the army, but utterly unworthy of that position, should be immediately recalled, and that his aide-de-camp should likewise be recalled. Those statements of General Williams with which I have taken the liberty of troubling the House are spread over several documents, but the substance of them was condensed into a tabular statement in one book, which was by Lord Stratford de Redcliffe submitted to the Turkish Government as forming the foundation for his application at once to rectify the abuses which were complained of by sending out the necessary supplies from Constantinople—that is to say, General Williams asked that military supplies should be sent from Constantinople by way of Trebizond; but, inasmuch as it was impossible to send grain and stores of that description over the mountains, they were to be collected in Asia Minor and forwarded to Erzeroum and Kars. Now, Sir, I do not think, with respect to this matter, that there is anything for which to blame Lord Stratford.

As to his omission to correspond with the Commissioner, I am not here to defend that for a single moment. It is impossible to defend it; but I think that anybody who is conscious of what a man in a high official position feels at the slightest intimation even of censure from his superiors must agree with me that the censure of Lord Clarendon, conveyed in those despatches to which attention has been called, of the 6th and 11th of January, 1855, must have inflicted very considerable pain and mortification upon the individual to whom they were addressed. But the question I ask of hon. Gentlemen opposite, and to which I beg a candid and fair answer, is this:—Are you prepared to say that Her Majesty's Government ought to have recalled Lord Stratford de Redcliffe? I ask the hon. and learned Member for Enniskillen (Mr. Whiteside) and the other hon. and right hon. Gentlemen opposite this question:—Will they stand up in their places and say, that if Lord Derby's Government had been in power instead of the present Administration, they would have recalled my Lord Stratford de Redcliffe under those circumstances?

Recollect that that noble individual is one of the most distinguished diplomatists whose services England can command. Remember, also, that he is no partisan of the present Government. They have no interest in protecting him. He was your (the Opposition's) statesman—he was of your own creation; and when your party had the opportunity of power you offered him the place of Secretary of State for Foreign Affairs; and when you named another afterwards to that post, Lord Derby himself created Lord Stratford de Redcliffe a Viscount, leaping over the first and subordinate step in the peerage, and thereby marking in the highest degree his sense of the value of his diplomatic services and of the high position to which he was entitled. It is also perfectly well known to every one, both in this House and in this country, that there is no one who ever filled the post of British Ambassador at Constantinople who stood so well with, or who exercised so much influence with the Porte, as Lord Stratford de Redcliffe. Now, though Lord Stratford had undoubtedly been guilty of a very serious omission, which, as I have just said, I do not stand here for a moment to justify, in neglecting to answer or to take any notice of the series of communications from General Williams, I still ask, when you look at what his acts have been as regards the rendering of practical assistance to General Williams, and find that he has not been wanting in that respect, whether you would, under those circumstances, say that Lord Stratford de Redcliffe ought to have been recalled by the Government? So much for that part of the case. I must say, however, in passing, that I could not help being somewhat struck, and, if I may be allowed the word, amused, at the odd dilemma in which the hon. and learned Gentleman seemed to find himself. He began by saying that he should leave Lord Stratford to be dealt with by Her Majesty's Government. He seemed to have got an intimation from some quarter or other that Lord Stratford was to be tenderly handled; but it is the natural bent of the hon. and learned Gentleman's disposition to attack everybody and everything, and, following his instinct, he overrid his prearranged determination; falling foul of Lord Stratford, he ended by pouring out upon him all the vials of his vituperative wrath. Now, I ask hon. and right hon. Gentlemen opposite fairly to grapple with this question. Are you prepared to censure the Government because Lord Clarendon did not think it right or expedient—under the circumstances, at a time of great emergency, and when it was of the last importance to this country to have as Ambassador at the Porte one who stood upon friendly terms and relations with the Government of Turkey—to recall so distinguished a diplomatist as Lord Stratford de Redcliffe? Can you stand up and say that you are prepared to censure the Government for the course which they pursued in that respect? I cannot follow the hon. and learned Gentleman into all that magnificent declamatory eloquence in which he is so great a proficient; but I think that in this House, addressing as I do men of calm judgment and understanding, a simple statement will be more to the purpose, and will have more effect, than all the declamation and invective that can by the most skilful person be heaped together. I do assure the House that I listened with the greatest possible attention to the speech of the hon. and learned Gentleman, with the anxious endeavour to find out what were the real points on which his accusation turned. I have dealt with one of those points, I hope, satisfactorily; and I now pass on to the remainder of the case.

From that time I find General Williams in constant communication with Lord Stratford, and there is no lack of correspondence, no lack of energy on Lord Stratford's part in promoting as far as in him lay the object which General Williams had so much at heart. It is said that when General Williams, in answer to the letters of Lord Stratford, justifying himself, urged that he had not been dealt with as he ought, Lord Clarendon did not do sufficient to vindicate General Williams; and further said that Lord Stratford put to Lord Clarendon a question which Lord Clarendon ought to have answered; namely, what was the position which General Williams was to be considered as occupying as Her Majesty's Commissioner with the army of Kars? Well, there might have been, in truth there would have been, much force in that objection on the part of the hon. and learned Gentleman were it not that in the meantime, under the pressing instructions of Lord Clarendon, Lord Stratford had obtained from the Turkish Government that which, also by the instructions of Lord Clarendon, he had applied for long before, namely, the firman constituting General Williams a Ferik or general of division of the Turkish army, and which gave him, therefore, a clear, distinct, and definite rank. Moreover, at that time a change took place in the command of the Turkish army at Erzeroum. General Williams having made it perfectly clear to the English Government that Zarif Pasha was unfit for the post which he occupied, Lord Stratford was instructed to use his utmost endeavours to obtain the appointment of a more efficient general to that command. The British Government, as well as Lord Stratford, were extremely anxious that a European general should be appointed, because they knew how few Turkish officers there were who were competent to exercise the functions of general in chief. The Turkish Government, however, would not accede to that request. Jealous of foreigners at all times, they were unwilling to transfer the command of Kars to an European general, and Ismail Pasha was, therefore, appointed. It unfortunately happened that Ismail Pasha was taken ill—or was said to be ill—and he could not join the army. The result was, that Shukri Pasha was appointed to the chief command, with the assistance of Hussein Pasha, as chief of the staff. We now find that General Williams at that time had very great difficulties to contend with. He was remonstrating from time to time, pointing out objections and obstacles, and asking the assistance of the British Government and Lord Stratford; and we find him invariably obtaining the most efficient assistance both from Lord Clarendon and Lord Stratford. But all that has been entirely passed over by the hon. and learned Gentleman. It answered the purpose of the hon. and learned Gentleman, in bringing forward his Motion, to single out those parts which make in his favour, while he dexterously throws in the background those which make against him. Immediately upon his appointment, Shukri Pasha sets to work to thwart all the attempts of General Williams to introduce reform, discipline, and improvement into the army at Kars, and in all this he is strenuously seconded by Hussein Pasha. General Williams at once wrote to Lord Stratford de Redcliffe to point out the way in which those individuals were conducting themselves, and asking that the British Government should insist on their recall. The British Government did insist on their recall. The Ambassador at Constantinople supported to the utmost of his ability and power the remonstrances of General Williams, and the result was, that a new pasha was sent out to command the army. At the commencement of 1855, Vassif Pasha was appointed to succeed Shukri Pasha. That was accomplished through the instrumentality of Lord Stratford, who likewise took care to have the most precise instructions drawn up, directing the Pasha to act in co-operation with General Williams, to behave towards him, not as a stranger, but as one high in the confidence both of the British Government and of the Porte, to act in concurrence with him, and to treat him with the utmost confidence and the highest consideration. Accordingly we find that the moment the newly appointed Vassif Pasha arrives the state of things entirely alters, General Williams reports that affairs have assumed a much more satisfactory aspect, and that he is enabled to get a supply of provisions. Shukri Pasha and Hussein Pasha are put under arrest and sent to Constantinople, abuses are put a stop to, the colonels who had been plundering the soldiers are deprived of their employment, and everything assumes a different aspect—a matter which General Williams afterwards gracefully acknowledges. Well, Sir, when a charge is brought against Her Majesty's Government of having done nothing, it should be remembered that these things were achieved under the special instructions of Lord Clarendon and through the instrumentality of our Ambassador at Constantinople. Now, should these things have been kept in the background? This was the state of affairs in February and March, 1855. Nevertheless, when the numbers of the army in the district of Erzeroum came to be carefully ascertained, the custom having been to keep the muster rolls at double what they really were, that the commanders might pocket the profit by drawing rations for the whole, it was found that they had not more than 20,000 men, and then it was that General Williams began to represent the necessity that existed of having further reinforcements. He writes to Lord Clarendon and points out the necessity of succour. He writes to Lord Stratford to the same effect. Lord Clarendon immediately directs Lord Stratford to point out to the Turkish Government the necessity of sending reinforcements to strengthen this army. It is said, when that application was made, the Turkish authorities answered, "Our attention has been directed to the subject; we know the position of that army is one of danger;

we know it is not sufficiently strong, but we have no means to strengthen it. We can take no troops from the Danube or from Bulgaria; all we have are essential to maintain our positions there. We cannot at the present moment aid the army at Erzeroum." The hon. and learned Gentleman said the English Government ought to have sent men there. From whence, I ask? It is very easy to say, "Look at the importance of Armenia—look at the importance of Kars and the magazines of Erzeroum. If they fall, the enemy may be at Constantinople before you know where you are." True, it was most important to maintain that country in the possession of Turkey. It was most important to prevent Kars falling into the hands of the enemy. But how was it to be done? It is very well to say, "You ought to have done it," but where were the means? This country at the time when these events were taking place had but just awakened from a peace of long duration, and, never a great military Power, found it necessary, having determined to carry war into the Crimea, to avail herself of every disposable man, to raise men wherever they were to be found, to call upon the militia to undertake garrison duties abroad, and to send on regiments to the Crimea, that not a single man available for the purpose should be wanting. Wherever in the British possessions a soldier could be found he was drafted into the army that was about to be sent to the seat of war. I want to know, therefore, where were the men to be found to be sent to Armenia? It does not occur to General Williams to say, "Let a portion of your Crimean army be sent there." He knew the idleness of such a suggestion. Where were they to come from? The Turkish Government said, "We have 15,000 men at Batoum, and we can spare 10,000 of them to strengthen the garrison of Kars and the army of Erzeroum." But when it came to be ascertained, it was found that that force, represented to be 15,000, really amounted to no more than 3,770 effective men; so that it became manifest that that addition to the forces was not available.

What was next to be done? It was proposed on the part of the Turkish Government that the British Contingent, estimated at 20,000, and General Beatson's cavalry corps, reckoned at 3,000 and 5,000 men, from Bulgaria, should be landed on the coast of Circassia, to operate in the way of diversion on the rear of the Russians, and force that army to return. It was very true that Her Majesty's Government did not adopt that proposition. And why? In the first place—and that one reason is sufficient—the contingent of General Vivian consisted of levies only recently made; they were perfectly raw troops, with whom their officers were scarcely acquainted, and Omar Pasha himself declared that in the month of July they were in such a condition as to be unfit for service. It would have been the height of madness consequently to assent to the proposition when first it was made. Moveover, these circumstances were to be considered:—we knew nothing of the country; we knew nothing of the roads, and no supplies had been prepared, Just conceive what might have occurred if an army of from 30,000 to 40,000 men had been thrown upon the coast of Circassia without knowing what dangers it would have to meet, or what provisions and means there were to maintain it. Would the British Government have been justified in entering, without further knowledge, upon so desperate an expedition? What if it had been tried and failed? What would then have been said of the want of foresight and prudence on the part of Her Majesty's Government? But Her Majesty's Government said this:—"Although we are not prepared to hazard the destruction of the Contingent in so desperate an enterprise, if Omar Pasha will hazard a portion of his own army we shall be very happy to co-operate to the best of our ability." Omar Pasha then made certain proposals to the allied generals. He also went to Constantinople to consult with his own Government. Lord Stratford de Redcliffe assisted at the Council which took place, and the Turkish Government made this proposition—that instead of the British Contingent being sent, Omar Pasha should take the Turkish force then at Eupatoria, that to that force should be added 10,000 men from Bulgaria, and that the whole, under the command of Omar Pasha, should be landed in Circassia, and endeavour to make a diversion in favour of the army of Armenia, and endeavour to relieve Kars. To that proposition Her Majesty's Government were prepared to accede, but it was necessary to obtain the concurrence of the French Government to the withdrawal of the Turkish force from Eupatoria. And here, though I readily admit what the hon. and learned Gentleman has asserted so very triumphantly, that this House will not shrink from the discharge of its duty from any false feeling of regard for the French alliance, yet I think the House, as a matter of justice, will not forget that Her Majesty's Government were bound to take into consideration the position in which they were placed with reference to the Government of our Imperial Ally, who has stood by us so faithfully throughout the war. The British Government was not justified—and I do not believe any hon. Gentleman opposite will stand up and say it would have been justified—in agreeing with the Turkish Government that a certain portion of the army then in the Crimea should be withdrawn, and raw levies, such as the Turkish Contingent, substituted, without asking the consent of the Ally with whom we were acting in co-operation. Accordingly, application was made to the French Government for their concurrence. What was the answer? The French Government at first declined to comply with the suggestion. The principle adopted by that Government in the conduct of the war, as stated by Count Walewski, was, that all the efforts which the combined and allied armies could make should be concentrated upon Sebastopol, believing that on the fate of that city depended the issue of the war. The French Government, however, upon the representation of Lord Cowley, gave way, and acceded to the proposition, but in these terms—

> "The French Government agrees to the proposition that Omar Pasha, instead of rendering his assistance at Sebastopol, shall proceed to Circassia and make a diversion in favour of the army at Erzeroum and at Kars, upon the condition that the number of troops before Sebastopol shall not be diminished."

It may be supposed, therefore, after this proposition of our Imperial Ally, that all difficulties were then surmounted. But no! It turned out that Omar Pasha, instead of being willing to take, as was proposed, the Turkish troops at Eupatoria, peremptorily refused unless he could take those which were at Balaklava. The difference was this. The troops at Eupatoria were Egyptians, and not part of his conquering army on the Danube, whereas the troops at Balaklava, to the number of 20,000, had followed him throughout the campaign upon the Danube, and were sharers of his successes. Therefore Omar Pasha insisted upon taking his own army instead of the troops at Eupatoria, in whom he had no confidence. This consequently changed the aspect of things. What did the British Government do then? They endeavoured to obtain the concurrence of the French Government in that new proposition. Lord Clarendon sent Lord Cowley a telegraphic dsepatch, proposing that what had been offered by Omar Pasha should be accepted. This is the despatch; it is dated the 28th of August, 1855:—

> "Her Majesty's Government trust that the Government of the Emperor will agree to the following answer to the despatch from Viscount Stratford de Redcliffe, dated Balaklava, the 26th of August, in which case your Excellency will send it on immediately from Lord Panmure to General Simpson, who will inform Viscount Stratford de Redcliffe, if he is still at Balaklava. 'Omar Pasha is to be at liberty to take such of his own troops as he pleases from Balaklava to Asia. They must be replaced in equal numbers by Lieutenant General Vivian's Contingent, or by troops from Eupatoria, as the allied generals may decide, and instructions accordingly must be given, in conjunction with the Admirals, as to transporting them.'"

That direction is dated the 28th of August, 1855, and if it had been acted upon promptly, Kars might have been saved. Lord Cowley, however, sent back this telegraphic message:—

> "The Emperor has no objection to the removal of the Turkish troops from Balaklava, and to their being replaced by others, provided that the allied commanders in chief have no objection; but he will not take upon himself the responsibility of saying more. Under these circumstances, I send the telegraphic despatch to General Simpson, inserting, after the word 'Asia,' the words 'provided that you and General Pelissier have no objection.'"

It turns out, however, that both General Simpson and General Pelissier entertained the strongest objection to the removal of the Turkish troops from Balaklava, and General Simpson protested against the Turkish Contingent, in its then incomplete state of discipline, being sent to join the troops before Sebastopol, or, indeed, to its being added to the army in the Crimea at all.

Under these circumstances, what were the Government to do? What is the shape which the hon. and learned Gentleman's accusation against us really assumes? Let it be brought to a specific point. The House must not permit itself to be overwhelmed by a torrent of declamation, but have the points put specifically and in a straightforward manner. We objected to the Turkish Contingent, which was then in a state of imperfect discipline, and without stores or means of subsistence, being added to the army before Sebastopol; but the Turks were told that they were at liberty, if they chose, to send their own army to Asia. Omar Pasha, however, objected to take the troops which were stationed at Eupatoria, and wished to have his veterans from Balaklava. The English Government applied to the French Government for its concurrence. The Emperor of the French declined to give any direct order, and the allied generals said they were ready to allow the Egyptian troops to be taken from Eupatoria, but not to allow the old Danubian soldiers to be withdrawn from Balaklava. The generals said, however, that if troops were sent from Balaklava, and were replaced by Turkish troops from Eupatoria, the latter place would be garrisoned solely by the Turkish Contingent, who, in the opinion of these officers, had not attained a state of discipline which would render it safe to entrust them with the defence of so important a post. What then, I ask, were the British Government to do? The allied generals said—"You shall not remove a single man from before Sebastopol until that fortress has fallen." Were we to fly in the face of our Allies, and dissolve the alliance with France? Were we to tell our generals that we at home were better judges of what ought to be done than they who were on the spot? Suppose that, notwithstanding the objections of the French Government, the remonstrances of General Simpson, and the vigorous resistance of General Pelissier, Her Majesty's Government had sent out orders to remove the Turkish forces from Eupatoria, and to replace them by the Turkish Contingent, and that the enemy had attacked Eupatoria, and that place, thus imperfectly defended, had fallen into their hands, who then would have been the objects of blame? Undoubtedly the British Government. But when the French Government clearly indicated their policy, and when the allied generals declared they could not spare men from before Sebastopol, the British Government at home were left powerless with reference to Kars. What could they do? The hon. and learned Member for Enniskillen told us that we ought to have sent troops to Kars. But what forces, I wish to know, were available? We had strained our utmost energies and exhausted our last resources in order to send troops to the Crimea. The winter had been disastrous; our men had perished in great numbers, and we had been obliged to put forth our utmost energies to render our army efficient. It was efficient, and was fully prepared for action; but would you have been justified, at that critical period, in dividing your forces, and in leaving half your army before Sebastopol, while you sent the other half to Armenia? Where would then have been the objurgations and the vituperation of the hon. and learned Gentleman? How this House would have rung with his fervid denunciation of the improper conduct of the Government in adopting a policy so unwise and injudicious! But the hon. and learned Gentleman says likewise, that we ought to have sent supplies. From where? I ask the hon. and learned Gentleman. Why no one ever dreamed that provisions for the army were to be got elsewhere than from Asia Minor, while supplies of arms and ammunition were to be sent from Constantinople; and it will be found that Lord Stratford de Redcliffe was incessant in his applications to the Turkish Government to forward them. It is all very well for the hon. and learned Gentleman to take up the despatches, and, with great artistic skill, playing the part of a most perfect actor, to read letters in a manner which is calculated to invest them with ridicule. But is that the way in which the despatches of public men ought to be dealt with? Lord Stratford, at the time which has been referred to, was exerting himself to the utmost to get supplies sent to Constantinople, and they were sent. General Williams acknowledges the receipt of ammunition—powder and ball—for heavy guns. Artillerymen were also sent, 300 arriving at one time, and 600 or 700 at another. Many of the supplies sent, no doubt, never reached their destination. They were stopped at Erzeroum; but the British Government were not responsible for that. We could not watch the Turkish Government, or step in to prevent the system of peculation and corruption which unfortunately prevails throughout all ranks and departments of that country. Still the Government, however, pressed upon the Porte the necessity of supplying the army at Kars with all that was requisite to maintain it in a state of discipline and efficiency. But the hon. and learned Gentleman says, we ought to have sent money. In what form—as a gift or as a loan? If we had proposed to send money as a gift, we should have been told that we were resorting to the worn-out and mischievous system of subsidies. We did ask for a loan, and we also asked the sanction of the House to the raising of a Turkish Contingent, which was one of the most effectual means of assisting Turkey. The Turkish soldier is active and brave, while, according to all accounts, the qualities of Turkish officers are generally precisely the reverse, and what was wanted was Turkish soldiers well disciplined, well armed, well clothed, well fed, and well officered. We asked Parliament to sanction the establishment of such a force, and how were we met? Who so loud in opposing the Turkish Contingent as the hon. Gentlemen opposite? When we asked for a loan, how was the proposal received? We were told we had not made out a sufficient case of necessity on the part of Turkey. We were told also that more time ought to be afforded for considering the subject, and the right hon. Member for the University of Cambridge (Mr. Walpole), in a most able speech, strongly urged upon the House the necessity of its postponement. This, let it be remembered, was in the month of July, at the very time when it was necessary, if at all, to send assistance to Kars. I should like to know where the hon. and learned Member for Enniskillen was on that occasion?—he who to-day has denounced with such glowing and fervid eloquence the ambitious projects of Russia, and who really seems to lament that the war has been terminated, and that peaceful and amicable relations have been restored? Why, Sir, he voted against the Turkish loan! and, what was more, almost defeated the Government on the question of sending succour to the Turks. I do not quarrel with the course which hon. Gentlemen thought proper to take on that occasion; I have no doubt they acted from the conscientious conviction that sending pecuniary assistance to Turkey, whether in the form of subsidy or loan, was a false policy; but I do protest against the injustice of now turning round upon us and saying, we have not done our best to assist the Turks.

I will put aside all the fringe of this case—all this commenting on despatches, and look only to the substance of the question under discussion. The question for the House to determine is, not whether Lord Stratford de Redcliffe may have written in a somewhat florid style, not whether this or that despatch is couched in the most statesmanlike form of words, but whether there is anything the Government could do which they have failed to do in order to avert the surrender of Kars? The hon. and learned Gentleman has told us that the fall of Kars is the prelude to the downfall of the Turkish Empire. Yet the policy of concentrating all our energies on the Crimea, and regarding Sebastopol as the real key to success or defeat, was, I think, not an injudicious one. And what was the result? Sebastopol fell; and so did Kars. But has the Turkish Empire fallen? Did the enemy march to Constantinople? On the contrary, the Russians did not advance a step beyond the conquest of the latter fortress. And, let me ask, are the Allies responsible for the surrender of Kars? Was there not an abundantly sufficient army in Asiatic Turkey? Selim Pasha had a considerable force in Armenia; and if he had done his duty, Kars would not have had to capitulate. Moreover, while Selim Pasha had a respectable force in Armenia, it would have been imprudent to withdraw any important part of the besieging force from before Sebastopol. It was said that our Government was wrong in resisting the proposed diversion by way of Circassia and the route through Soukoum Kaleh; but when Sebastopol fell, and Omar Pasha was set at liberty and his troops no longer wanted at Balaklava, the general landed with his army on that coast, and attempted to penetrate into the heart of the country, and the sequel showed that he could not proceed further than Kutais. Yet Omar Pasha would have been in time, if he had got on, to relieve Kars; the season was not too late for his advance; but he was met by difficulties to which we should have been equally exposed had we made a diversion by way of Circassia even at an earlier period. The hon. and learned Gentleman asks what military man would sanction the plan by Trebizond; but if he consults the views of General Williams he will find his opinion to be decidedly in favour of that project; and, indeed, the despatches at the close of the Blue-book, written by persons on the spot and in communication with the Russian officers after the fall of Kars, showed the general impression to be that Omar Pasha's failure was attributable to his choice of the route by Circassia instead of by Trebizond. If, however, military authorities differed on the course to be pursued, is that a fair ground for censuring the Government? It is all very well to say that the war has not been conducted with vigour or skill; but what is the result? And at what epoch are we discussing this question?

The ratifications of peace have been exchanged, the substance of the treaty is known to the world, and, probably, before another sun sets the heralds of peace will have announced the return of its inestimable blessings to Europe. And under what circumstances does Great Britain close the contest? She will have achieved every legitimate object for which she drew the sword. Turkey has been preserved, the balance of power maintained, the progress of Russia in her schemes of aggrandisement arrested, and ambition brought to a stand. And in what position is England at the present moment? Whenever were her resources so great or her power so manifest? Who that saw the noble spectacle which we witnessed on Wednesday last—(*Laughter*)—I regret to find that hon. Gentlemen regard the spectacle of that noble fleet as a fit subject for their ridicule. I should have thought that no Briton could contemplate that scene with other emotions than those of pride, because it demonstrated that, while our enemy was exhausted by the efforts he had to make to sustain a defensive war, England, on the contrary, was never in a more prepared state for continuing the conflict. To whom is that due? That favourable result is, no doubt, due to the liberality of Parliament in providing the means of maintaining such mighty armaments, but, surely some credit may be also claimed by those who have administered the affairs of the country, and produced, in so brief a space of time, a navy the like of which was never before beheld. Is this House then prepared to censure the Government which has obtained an honourable peace, and still left our war establishments in a condition in which they would be capable of sustaining, if necessary, an arduous and protracted struggle? It is impossible not to feel that this country has the strongest ground for rational exultation and triumph; yet the hon. and learned Gentleman, amid the general rejoicings at the restoration of a peace which achieves all our objects, discovers in his retrospect of the past one little dark spot, and eagerly seizes upon it. Yet no fatal consequences followed the event on which the hon. and learned Gentleman dwelt so gloomily. It did not for a single moment retard the attainment of your great end—a happy and honourable peace. The hon. and learned Gentleman, however, thinks it may be made the instrument of a successful attack on the Government. I do not blame him if he believes he will do himself and his party any good by his Motion, but I am convinced that the House and the country will be too just and too generous to affix the brand of their censure upon the present Administration.

LORD JOHN MANNERS said, he thought the hon. and learned Gentleman the Attorney General had applied to the House, he might almost say, *in formâ pauperis*, to give its confidence to the Government, not upon the merits of the case which was now under consideration, but upon the general issue as to whether they had so managed the affairs of the country as to have prepared a fleet that was worthy of inspection at Spithead. Now, that he took leave to say was not the issue which was awaiting the decision of the House. He would, therefore, endeavour to recall the attention of the House to what was the question at issue. The hon. and learned Gentleman was candid enough to admit that the fall of Kars was a little dark spot in the conduct of our military affairs—"a little dark spot;" and he then proceeded to diminish its importance and to cover the whole of this debate with something approaching to ridicule. The "little dark spot," he said, had no importance, and had produced no effect on the result of the negotiations for peace. But what was the meaning, what the import of the fall of Kars? The true import of the fall of Kars was this, that the star of England had paled its fire before that of Russia in Asia. It meant that Persia had morally become a province of Russia. It meant, likewise, that by the peace just concluded at Paris, Russia's supremacy had been re-established from the Caucasus to the Hindu Coosh. That, then, being the real import of the fall of Kars, he asked why did Kars fall? Listening to the hon. and learned Attorney General, he should almost imagine that Kars never had fallen at all. The hon. and learned Gentleman gave them every reason that could be adduced to make them believe that everything which foresight, valour, skill, conduct, intellect could achieve had been achieved by the English Government, for the relief of Kars. He (Lord J. Manners) must say that he had never heard a statement made in a deliberative assembly which struck him with greater astonishment than the reason assigned by the hon. and learned Gentleman for the fall of Kars. The hon. and learned Gentleman said it was no fault of the Turkish Government or of the Allies;

he said that the generals and troops at Kars did their duty; and he said that, owing to the exertions of Lord Stratford de Redcliffe, who did his duty also, arms and munitions of war had been sent from Constantinople. But, having whitewashed all the authorities, the hon. and learned Gentleman, in need of a victim, turned round and laid it all at the door of a single individual, Selim Pasha, and said that it was he who caused the fall of Kars by not relieving it. Selim Pasha was, however, the governor of Erzeroum, a position on which depended the whole tenure of Turkish power in Asia. He had nothing but the garrison of that fortress at his command, amounting to some 8,000 men, while Kars was invested with a Russian army of 30,000 men, admirably provided and well cared for; and he (Lord J. Manners), therefore, put it to hon. Members whether it was reasonable to expect that Selim Pasha would, under these circumstances, be justified in putting Erzeroum in peril as well as Kars, and risking by its possible loss the prostration of the whole power of the Turkish Government in its Asiatic provinces? If, then, Selim Pasha was not chargeable with the disaster in question, the fall of Kars, who was chargeable with it? It was to Her Majesty's Government, and to them alone, that the blame should be imputed. The great, the wonderful speech of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) proved to demonstration, that the guilt lay with the Government and with them alone. The hon. and learned Gentleman the Attorney General exempted, as he (Lord J. Manners) thought, properly, all the Turkish authorities, and he exempted even Lord Stratford de Redcliffe from blame. If Lord Stratford's advice had been followed, every one who read the Blue-book would see that Kars would not have fallen; and however indefensible, and indeed reprehensible, Lord Stratford de Redcliffe's conduct might have been as regarded General Williams, it certainly did not accelerate, by one moment, the fall of Kars. Could it be said, then, that Kars fell because the Government of England, though painfully alive to the vital importance of saving it, were absolutely impotent to do so? Was the House prepared to ratify the statement of the hon. and learned Gentleman that the whole force of this mighty empire was concentrated on Sebastopol, and that not a man, a gun, or a guinea could be spared to avert the fall of Kars? If that was a true version of the story, and Her Majesty's Government, wielding as they did the whole resources of this mighty empire, were unable to stretch forth a hand to save Kars, then the sooner peace was made the better, for England would have ceased to be a nation which, under any circumstances, was in a position to prosecute a war. No one who remembered the part he took in the fatal invasion of Affghanistan, believed that the noble Lord at the head of the Government was not painfully alive to the vital importance of the preservation of Kars. If, then, it was not owing to the ignorance of Her Majesty's Government, or to the impotence of the country—which was a scandalous imputation—that Kars had not been relieved, to what was owing the fall of that important fortress after so gallant and so heroic a resistance on the part of its brave defenders? The conclusion from these premises was inevitable, and the answer should be—to Lord Panmure, who directed the war, and to Lord Clarendon, who managed the foreign relations of this country, was due the fall of Kars—an event which would not have occurred had Lord Ellenborough been Minister at War, or the hon. Member for Aylesbury Foreign Minister. The hon. and learned Gentleman said that this country had contributed pecuniary aid to Turkey, and he spoke of the Turkish loan with a certain complacency. But what was the fact? The House of Commons, acting with characteristic generosity, guaranteed a loan to replenish the exhausted Exchequer of the Porte; but it will be seen by the Blue-book that it was not until long after Kars had fallen that a single sixpence of the Turkish loan was transferred to Turkey. On the 25th August the first instalment of that loan was paid into the Bank of England, and on the 27th November the Turkish Prime Minister complained that not a farthing of it had reached the Turkish Government. The hon. and learned Gentleman said that, though Kars fell, the British Government was not to blame for that. It had pecuniarily relieved the impoverished Exchequer of Turkey, and enabled it to send succour to the garrison; but the Blue-book closed, and so did the supplementary paper furnished that morning also, without showing that, even to this moment, a single farthing of that loan had been placed to the credit of the Turkish Government. Kars, therefore, had been sacrificed, as the British army had been sacrificed at Balaklava, by the incompetency, mismanagement, and procrastination of the British Government. The hon. and learned Gentleman the Attorney General next dealt with the subject of the Turkish Contingent, and contended that the subvention of that corps by the English Government was equivalent to sending a relieving army. Was the House, however, to be told that because this country took into its pay some 20,000 or 30,000 Turkish troops, that that was by itself an inestimable boon to the Turkish Government? If those troops had been wisely used and properly directed, they might undoubtedly have saved Kars; but when the only use made of them was to deprive Turkey of 20,000 or 30,000 men for no purpose, as regarded the war, so far from being a benefit to the Turkish Government, it was an absolute evil, as one of the proximate causes which led to the fall of Kars. The dispatches of Omar Pasha, of General Mansfield, of General Williams, and of the Turkish Prime Minister, as given in the Blue-book, concurred on this point, that if those troops had been in the pay of the Sultan the diversion would not have been made so late as August, which the British Government had refused to permit in the previous part of the season. Therefore, the Turkish Contingent, wielded as it was by the incompetent men who directed the war from this country, was so far an injury rather than a benefit to the Turkish Empire. The hon. and learned Gentleman had given a sketch of the proposals which had been made for the relief of Kars; but the hon. and learned Gentleman had not (unintentionally, of course) presented all the facts to the House on that subject. The best plan, undoubtedly, for the relief of that fortress was that proposed early in July by the Turkish Government. Had the hon. and learned Gentleman succeeded in shaking the authority of the military men at Constantinople, by whom that plan was proposed or sanctioned? The hon. and learned Gentleman no doubt said that Omar Pasha could not have succeeded had his expedition been undertaken earlier any more than it did when it was undertaken later; and he added, that the obstacles which that General encountered had nothing to do with the lateness of the season. Now, it did so happen, however, that an independent authority existed on the subject, that of a gallant literary man, who had accompanied Omar Pasha's expedition, and who gave a clear and connected statement on the subject, which certainly led to a contrary conclusion from that of the hon. and learned Gentleman. The hon. and learned Gentleman certainly could not have seen the work of Mr. Oliphant, or he would not have said that the seasons or the elements had nothing to do with the defeat of Omar Pasha's expedition.

The ATTORNEY GENERAL said, he must beg to explain that what he had said was, that the weather was by no means the only obstacle which prevented the success of that expedition.

Lord JOHN MANNERS: Undoubtedly the weather was not the only obstacle with which Omar Pasha had to contend; but the other obstacles had been overcome, or were in a fair way of being overcome, by the genius of that distinguished man. The Russian troops which he had met had been defeated; the Mingrelian and Georgian militia levies had been dispersed, wherever they appeared; the bridges which had been broken down were everywhere restored; Mr. Oliphant, who was with the advanced guard, actually saw with his own eyes the towers of Kutais, from which the Turkish army was only four hours' march distant, and there were no Russian troops to oppose them. There was, in fact, no obstacle, military or material, to hinder Omer Pasha from advancing, except the sudden, complete, and hopeless break-up of the weather. The hon. and learned Gentleman would, therefore, fail to satisfy the House that had Omar Pasha been permitted to undertake that enterprise when first it had been proposed, he would not have successfully accomplished it and saved Kars. That Mr. Oliphant clearly showed. The hon. and learned Gentleman had, as if by anticipation, pointed out that the French Government had conditioned, not that the troops should not be taken from Balaklava or Eupatoria, but that the Turkish troops before Sebastopol should not be diminished; and then, he asked, what course Her Majesty's Government could pursue other than yield to the objection of the Government of the Emperor of the French to the second scheme proposed by Omar Pasha for the relief of Kars? The answer to that was a very simple one —there was no reason whatever why Her Majesty's Government should refer to the Government of the Emperor of the French on the second plan. The Government of the Emperor of the French had given its consent on the one condition that the army before

Sebastopol should not be diminished; that stipulation Omar Pasha was ready to satisfy, and therefore there was no just reason for throwing all in confusion by a second reference to Paris. Now, what was the result of that second message? On the 28th of August, Lord Clarendon, reviving the question of the withdrawal of the Turks from before Sebastopol, said, in his communication to Lord Cowley:—

> "Omar Pasha is to be at liberty to take such of his own troops as he pleases from Balaklava to Asia. They must be replaced in equal numbers by Lieutenant General Vivian's contingent, or by troops from Eupatoria, as the allied generals may decide, and instructions must be given in conjunction with the Admirals as to transporting them."

Those who read that despatch would see that that illustrious Generalissimo of an independent Sovereign, having an equal interest in the war as the other Powers in alliance, was to be permitted to take such of his own troops as he wished to save some of the fairest provinces of his Imperial master's dominions in Asia. The telegraphic despatch, however, was received by General Simpson with the addition made by Lord Cowley, under the sanction of Her Majesty's Government, with the words inserted after the word "Asia," "provided that you and General Pelissier have no objection." This threw the matter back into the hands of those Generals—a matter which had been already settled by the two Governments, and gave General Simpson the power to say to Omar Pasha, the Generalissimo of an independent Sovereign deeply engaged in the war, whether or not he was to save Kars for his Imperial master. The two Governments had been satisfied, and had sent orders to that effect; but this unlucky reopening of the question made General Simpson and General Pelissier arbiters of the fate of Kars. Now, he would ask hon. Members if that was the best way to carry out the *entente cordiale?* He must touch lightly upon the conduct of General Pelissier, but with respect to General Simpson he must be permitted to say that that gallant officer had not displayed that amount of commanding energy which would justify him in thwarting those plans which had already been agreed upon between the Government and Omar Pasha. It was, however, stated that subsequent to the fall of Sebastopol no reluctance had been shown by General Pelissier or General Simpson to afford the assistance which Omar Pasha had demanded. But he found that nearly three weeks after Sebastopol had fallen, 2,000 Turkish troops had been prevented by General Pelissier from following Omar Pasha. On the 21st of September, Lieutenant Colonel Simmons had written to Lord Clarendon to the following effect:—

> "I have to inform your Lordship that on the 18th instant, General Pelissier consented to the departure of three Turkish battalions of Chasseurs hence for Asia, and that Sir E. Lyons having supplied the necessary steam transports for their conveyance they will be embarked in the course of a day or two for Batoum."

Again—

> "Up to the present time General Pelissier has not signified his assent to the departure for Asia of any more of the Ottoman troops now stationed here."

Lieutenant Colonel Simmons proceeded—

> "The Ottoman Government are most desirous of acquiring their services in Asia. Omar Pasha considers that the utility of this movement in Asia will be very much restricted by not having them with his force. The only obstacle seems to me to be that the assent of General Pelissier and the French Government has not been given. In conclusion, I can assure your Lordship that if the assent of the French Government could be obtained I think great benefit would ensue, not only to the Turkish troops themselves, but to the common cause, for although Kars may fall, the Turkish force under Omar Pasha would then be so considerable that it would act at least as a powerful diversion in favour of the allies during the next campaign, whether that campaign should be in the Crimea or in any other part of Europe; and, moreover, by the union of a considerable Turkish force under Omar Pasha, if peace should ensue, Turkey will be stronger."

Nobody, he thought, could read that dispatch without perceiving that the most disastrous effects had resulted from the alteration of the telegraphic message to the Crimea. Could it be said that Her Majesty's Government had displayed foresight when, having at length become fully alive to the importance of relieving Kars, they had allowed their plans for that end to be frustrated by the allied Generals in the Crimea? The hon. and learned Gentleman the Attorney General had observed, that no words of reprobation would have been strong enough to mark the conduct of the Administration if they had acted in opposition to the opinion of the allied Generals; but Her Majesty's Government, unfortunately, in giving their assent to the proposed expedition of Omar Pasha, had run quite counter to the views of the allied Generals, so that the hon. and learned Gentleman could not well take refuge under the shelter of that argument. Something had also been said about the despatches of Lord Clarendon and Lord Panmure, upon the 13th and 14th of July; but he thought that, in order that the House should be enabled to judge of the *bonâ fide* spirit and the foresight which had characterised the conduct of the Government throughout the whole of those transactions, the despatches to which he alluded should be compared with that which had been subsequently written by Lord Clarendon upon the 18th of July. Upon the 18th of July, Lord Clarendon had written a despatch to General Williams, urging him in the strongest terms to continue that glorious defence which in his despatch of the 14th of July he had pronounced to be hopeless, and after had rejected the only plan for its relief as visionary, thoughtless, and impracticable. They had it on the authority of Dr. Sandwith, that but for the encouragement which he received from the noble Lord the Foreign Secretary, General Williams would have attempted to cut his way out of Kars. Was there then no ground of complaint against the Government? Was there no reason why they should be charged with inconsistency and vacillation? True it might be that they had written despatches to Lord Stratford de Redcliffe and General Williams; but of what value, he might ask, were those despatches? The question was, what money, what men, what materials had they sent out? The Turkish Government had been ready to send a relieving army to Kars. The Government of this country had put their veto upon the proposition. Omar Pasha had informed Her Majesty's Ministers where men were to be found. They, however, had hesitated to act upon that information—had halted until the expedition of the Turkish General had become fruitless, and had pursued that course while they continued to write the most insulting letters to a Government which they themselves had made powerless, apparently forgetting that with the resources of a great empire at their own disposal they had done less than nothing. Their policy reminded him of the plea of Sir Peter Teazle, who, in his remonstrances with respect to the conduct of Charles Surface, observed, "I, who was left his guardian, and never refused him my advice." Her Majesty's Government occupied a similar position. They had sent out nothing but advice in the case of Kars; but they had, he must admit, sent that by the ream, their only fault in that respect being that their advice was not always consistent, and that in many instances it was fallacious and impracticable in the highest degree. His charge against the Government was, that while they did nothing themselves, they prevented others from doing that which might, and very likely would, have had the effect of relieving Kars. He would admit that the Government was consistent in their inconsistency. The hand that penned the refusal of the first Turkish proposal as wild and impracticable, and which afterwards penned the assent to a plan from Omar Pasha which was identical with it, was the hand which refused to oppose 30,000 Turkish troops to Mingrelian militia and a few Russian troops, and afterwards charged Selim Pasha with cowardice for not having marched to the assistance of Kars with the garrison of Erzeroum. The noble Lord who had formerly denounced the settlement of the North American boundary question as the "Ashburton capitulation," was at the head of that Government through whose supineness and short-sightedness Russia had been able to regain in Asia that which she had lost in Europe.

Lord John Manners

THE LORD ADVOCATE said, that, after the clear and succinct speech of his hon. and learned Friend the Attorney General, which, though it did not traverse the very wide field occupied by the hon. and learned Gentleman (Mr. Whiteside), had yet touched all the points of the question which were really important, it would not be necessary for him to trouble the House at any great length. The hon. and learned Gentleman opposite, throughout the whole of his discursive but able speech, seemed to leap from one brilliant inconsistency to another. The Motion which he had placed on the paper was liable to one objection which would be fatal to it—it was not true. It was not true that the disasters at Kars resulted from a want of foresight on the part of Her Majesty's Government, and wherever the blame lay—whether with the Turks themselves, with our Ambassador at Constantinople, with the Generals in the Crimea, or with our Allies—if there was one man more than another who had never lost sight of the importance of the relief of Kars, and who had never ceased to urge the adoption of measures for its relief, it was Lord Clarendon. The hon. and learned Gentleman himself seemed cognisant of that fact, for he commenced by saying, that the sum total of Lord Clarendon's responsibility was, that he had not succeeded in making Lord Stratford procure a proper recognition of General Williams from the Turkish Government. It was the Ambassador, then, who had betrayed his duty, and the Government were to blame for having kept him at Constantinople. Before the end of the hon. and learned Gentleman's speech all that had changed. The Ambassador was then the energetic, honest defender of Kars, and the Minister at home was reduced to the position of being tutored by the Ambassador abroad. Surely, if Lord Clarendon had recalled Lord Stratford in December, 1854, he would have deprived the cause of Turkey, in 1855, of a man whose exertions were, as the hon. and learned Gentleman admitted, beyond all praise. When General Williams was sent to Kars, the Turkish army was utterly disorganised, the Turkish rulers were plunged in corruption, and under such circumstances it was thought by the Government that it would be desirable to have on the spot some one who could send accurate reports of the state of things. It was said that Lord Stratford did not give General Williams that support which was necessary to enable him to effect the objects for which he was sent to Asia Minor. But he should like to hear it stated what it was that Lord Stratford did not do. Except corresponding with General Williams, there was nothing which Lord Stratford omitted to do which he ought to have done. It was perfectly plain that during the whole time he had been exerting himself with the greatest energy to accomplish all the objects which General Williams had in view. In what position were the affairs of the Allies in Europe at that time? The hon. and learned Gentleman had been pleased to make some remarks on the capacity of the Minister of War as well as the Foreign Secretary, but the noble Lord (Lord Panmure) had one merit which it was impossible for the hon. and learned Gentleman to depreciate. When the present Minister of War came into office, he found the troops in the Crimea in a state of great suffering and sickness, and they were now even more healthy than troops at home. When the Russians went to Kars, it was foreseen by General Williams that the troops there would be insufficient to defend the place, but there was a great enterprise to be performed in the Crimea, and until that was successfully concluded it was matter for consideration to what extent it was possible to send succour even for the protection of Kars. The noble Lord who spoke last made it a charge against the Government that they sent out instructions clogged with a condition, though the noble Lord must have been aware that that condition was added by the French Government. It should be borne in mind that at the time he was now referring to, the allied forces were nearly overwhelmed by superior numbers. What would have been said of the foresight of the Government if they had then withdrawn the well-disciplined Turkish troops from the Crimea? Though, by so doing, Omar Pasha might have succeeded in saving Kars, he might also, by the withdrawal of these troops, have jeopardised the whole campaign in the Crimea. Again, he thought that Lord Panmure and Lord Clarendon judged wisely when they decided that the Turkish Contingent should not be sent to Kars. To have taken them into an unknown country before they were disciplined, and perhaps under officers who scarcely understood their language, would have been a most hazardous proceeding. Then it was said that the Turkish Contingent might have taken the route from Batoum to Kars. He had heard in that House assertions as to the absurdity of one route and the absurdity of the other route, he should like to know what General Williams would say upon the subject. If he might come to any conclusion, it was that Omar Pasha was right in the course that he undertook. Consul Brandt, writing from Erzeroum on the 19th November, 1855, said:—

> "Is the Kars army to be allowed to perish? Is nothing to be done to relieve it? for all that the Porte has lately done is quite insufficient for the purpose. I before pointed out that Omar Pasha's army should have been directed on Kars by way of Erzeroum, and not on Georgia, and had that been done, Kars might long since have been saved—I now fear it must surrender."

A similar opinion was likewise expressed by Dr. Sandwith in his work on the war. Well, what was it the House was asked to affirm? Not a matter of want of skill in the generals, but that there was a want of foresight, and that the British Government was the cause of it, whereas they were in favour of that route which the inhabitants of Kars themselves were convinced was the only route that was likely to lead to their relief. There was the most straightforward action and principle on the part of the Government at home, but they could not consent to reduce the troops before Sebastopol, unless the French Government and the allied Generals also consented. They at last did consent that the Turkish Contingent should go to Eupatoria, and that Omar Pasha should take troops from Eupatoria or Balaklava; and the hon. and learned Gentleman said, "What folly!" But did it never occur to him that the discipline and state of the Turkish Contingent might be sufficient for holding Eupatoria, but was not to be depended upon at Balaklava or the very seat of war; and Omar Pasha himself had expressed that opinion. Lord Clarendon wrote letter after letter, week after week, and never allowed his correspondence to be in arrear. Hon. Gentlemen opposite, however, rather than allow the Turkish loan to be applied by the Turkish Government, were willing to break up the alliance. It was the Turkish Empire in Asia they were defending; and if the Turks could not defend themselves, if corruption was to rule in high places, what power had we to help them? And how difficult was it for a country in that position to conduct a war with energy! The truth was, it was perfectly wonderful what General Williams was able to effect; and as to want of energy on the part of Her Majesty's Government, there was no symptom of it. They were told that 400 of General Beatson's Horse would have saved Kars; but how were they to get there? Were they to go through Georgia? That was out of the question; but there was no other route. General Beatson might have considered his cavalry available for that purpose, but we had not a man to spare from the Crimea. It might have had this result, that Omar Pasha's army might have been lost in this Georgian expedition, and Sebastopol not taken after all. The hon. and learned Gentleman (Mr. Whiteside) said it was the policy of a small mind to take small objections and to overlook great results. He would not retort in that sense, but he must say that hon. Gentlemen opposite had, during this war, taken small objections and had overlooked great results. At the end of this war the country had her resources not only untouched, but increased; her army was in a more effective state than it ever was before; but when he found that the small inconvenience attending the naval review the other day outweighed the proud feelings that should have actuated Englishmen—when they overlooked the great results of that war—he considered that he was fully justified in saying that they took small objections and overlooked great results. When hon. Members came forward to make a charge of want of energy and foresight on the part of the British Government, he told them that the charge was not authorised by a single syllable in that book, and that their opinion would not be backed by a majority of that House.

Mr. J. G. PHILLIMORE moved the adjournment of the debate.

Mr. DISRAELI said, he wished to know upon what day the debate was to be resumed? [*Cries of* "To-morrow."]

Mr. G. H. MOORE said, his hon. Friends the Members for Wexford and Galway had Motions upon the paper for to-morrow, and he had to state, on their part, that they certainly would not give way, unless the Government would give them an early day.

Viscount PALMERSTON said, so few hon. Gentlemen having yet addressed the House, and so many being anxious to express their opinions upon this important question, he thought it was not too much to expect that hon. Members whose Motions, however important, were not of a very pressing nature, would have the goodness to give way.

Mr. G. H. MOORE said, he was of opinion with his hon. Friends that they ought not to give way unless another day were given them by the Government.

Debate *adjourned.*

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 29, 1856.

Minutes.] *Took the Oaths.*—Sir Gilbert John Heathcote, bt., having been created Baron Aveland.

Royal Assent.—Exchequer Bills (£21,182,700); Public Works; Public Works (Ireland).

AUSTRALIAN COLONIES—POSTAL ARRANGEMENTS.

The Earl of ELLENBOROUGH *presented* two Petitions, one from Bankers, Merchants, and others of London, and the other from the General Association of the Australian colonies, praying that a steam postal communication might be immediately re-established with Australia. Such a communication had already existed, but was suddenly discontinued in November, 1854, owing to the demand for steamships consequent upon the war. The petitioners complained that postal communication with Australia alone had been discontinued, such communication having been maintained with all the other colonies; and they expressed their sense of the importance of regular postal communication with the Australian colonies, inasmuch as British goods had been imported into those colonies in the course of a year to the value of £14,500,000, and last year the exports of gold from the colonies to this country amounted to £14,000,000. He (the Earl of Ellenborough) had read a Treasury Minute, which required that the colonies should bear half the expense of the undertaking, and that he considered a reasonable demand. On their side, the colonies had expressed their readiness to contribute to the expense of postal communication in proportion to the number of letters sent in and received from each colony. They were most desirous that an independent line of communication should be established between this country and Australia, that it should be conducted by the shortest route, and that the average speed of the vessels employed should be ten knots an hour, and that no time should be lost in commencing the communication. He (the Earl of Ellenborough) certainly thought that these were very fair demands on the part of the colonists. It was most reasonable that the colonies should contribute in equal proportions to the expense of this communication; and, indeed, two of the largest of them had already intimated their willingness to bear their share of the burden. At present a heavy loss was sustained by the Treasury of this country in carrying on the postal communications with our Colonies; and the last Return published on the subject showed the annual loss on the North American line to amount to £67,000; that on the East Indian line to £70,000; and that on the line to the West Indies, Mexico, and Brazil, to £185,000. The latter item amounted to very nearly $3\frac{1}{2}$ per cent of the total value of the exports from this country to the West Indies, Mexico, and the Brazils. However important our postal communications with these colonies and foreign Powers, it was a question for the serious consideration of the Government whether the expense to this country ought not to be materially diminished.

The Duke of ARGYLL said, that the enormous loss to this country in respect of the packet service to different parts of the world had attracted the serious attention of the Government, and still engaged its consideration. He was glad to find that the noble Earl gave the sanction of his high authority to the justice of calling on the Australian colonies to bear half the expense of their postal communication with this country; but in regard to those colonies it was not necessary to make any such demand, because they had spontaneously evinced a liberal disposition to contribute towards this object. The prayer of the memorialists to which the noble Earl referred had received the most favourable consideration from the Government, and steps were being taken, as far as possible, to meet their views. It might not, however, be possible to obtain vessels for the service of the power which the noble Earl desired; yet he could only say that he hoped it would. He fully agreed that the line of communication should be a main, and not a branch one; but as regarded the route, he did not think it mattered much whether it was 300 miles longer or shorter.

HOUSES OF PARLIAMENT—THE FIRE BRIGADE.

Lord REDESDALE *presented* a Petition from George Scott, complaining of his Removal from the office of Engineer-in-chief of the Ventilating Department of the New Palace at Westminster, and praying for Redress. The noble Lord said that the case of Mr. Scott appeared a very hard one. He had discharged his duties with uniform zeal and efficiency, yet he had been deprived of his office, which he had regarded as permanent, and another man had been appointed in his place. The dismissal of this gentleman, coupled with that of the firemen, favoured the idea that there was a general intention among persons in authority to get rid of every one who had been appointed by Sir Charles Barry. Reverting to the case of the firemen, which he still regarded as one of peculiar hardship, he was authorised to state that the fire to which the noble Duke opposite (the Duke of Somerset) had alluded the other evening, as having taken place in the House, had occurred in the clock tower, a portion of the building which, being in the hands of contractors, was beyond the control and responsibility of the fire-brigade. He still adhered to the opinion that the dismissal of these poor men was a harsh and arbitrary proceeding, for which there was the less excuse when it was remembered that, so far from promoting economy, it would defeat it, the cost of the old system being only £637, while that of the new would be £1,120 a year. The innovation would occasion much distress to a number of poor and deserving men who had performed their duties with strict propriety, and, as the advantage to the public was more than problematical, some better reason should have been assigned for it than the mere fact that the building, being a Queen's Palace, was under the jurisdiction of the Board of Works, who might make what regulations they pleased. It was only the other day that Mr. Gurney, who had the superintendence of the ventilation, declared that he did not think the House would be so secure from fire under the new as it had been under the old system.

THE DUKE OF SOMERSET repudiated the intention of casting censure on the firemen, and should, indeed, be sorry if anything he had said were interpreted in the sense of calling in question any claim they might have to compensation for the loss of their appointments, or to remuneration for their past services. Their dismissal was no act of his. He had merely expressed himself against the principle of such divided responsibility as must ensue if the fire arrangements were under the joint control of the Board of Works, the contractors, the police constables, and the brigade.

LORD STANLEY OF ALDERLEY observed, that the Palace, having been now transferred to the undivided control of the First Commissioner of the Board of Works, that Minister was entirely responsible for its safety, and it was by no means expedient for their Lordships to interfere with the arrangements which he in the discharge of his important public duty might think fit to adopt. With respect to Mr. Scott, his appointment was a new one, bearing date as recently as 1851, and Sir Charles Barry desired him to state that he never gave Mr. Scott to understand that it was an appointment for life. That Mr. Scott could not himself have regarded it as permanent was evidenced by the fact that, in 1853, he applied for the office of engineer to the Hanwell Lunatic Asylum.

LORD MONTEAGLE concurred in the opinion that the firemen had been hardly treated, and expressed a hope that they would receive compensation.

THE FALL OF KARS—SUMMONS DISCHARGED.

THE EARL OF MALMESBURY: In rising to move that the summons to your Lordships to attend on Friday evening be discharged, I think it right to state that it is my intention to withdraw the notice I have given of the Motion I had meant to submit on that evening with respect to the surrender of Kars. It is with extreme regret that I find myself coerced by circumstances to take this course, for I can assure your Lordships that I had a very sincere and earnest intention to bring this interesting subject under your consideration. For the delays which unfortunately prevent me from doing so, your Lordships will admit that I am in no degree responsible. In the first place, the noble Lord the Secretary for Foreign Affairs remained absent three weeks longer than we expected; in the next, the importance of my Motion rendered it necessary that I should give a full week's notice of it, and as your Lordships do not sit next Thursday—that being Ascension-day—I could name no earlier day than next Friday for the debate. But no later than yesterday the Foreign Secretary laid the Treaty of Paris on the table, and as he has invited us to take it into consideration on Monday evening, I cannot think that it would meet the approval of your Lordships to forestall the interest of that great occasion by remarks and animadversions on such subjects as the war in Asia Minor and the surrender of Kars—topics which it would be impossible to discuss without reference to their consequences as revealed by the treaty. Under these circumstances, I have thought that the better course is to withdraw the Motion. Had I not done so, we should have had two debates on the same subject, the one on Friday, the other on Monday, and, as it is manifestly desirable that if we are to spend two evenings in the discussion of the same topic, they should be consecutive evenings, I trust your Lordships will be of opinion that I am now acting in the manner most conducive to your convenience. I would be understood, however, as reserving to myself the right of bringing forward any Motion I may think fit on Monday evening. I wish to ask my noble Friend the President of the Council whether he has any objection to lay on your Lordships' table, on Friday, the terms of the Address which Lord Clarendon will move on Monday next?

EARL GRANVILLE: If I rightly understand the noble Lord, he altogether withdraws his notice of Motion with respect to Kars?

THE EARL OF MALMESBURY: Yes.

EARL GRANVILLE: I am glad to hear it.

THE EARL OF MALMESBURY: The noble Earl has not replied to my question.

EARL GRANVILLE: The terms of the Motion to be made by my noble Friend on Monday evening will be laid on your Lordships' table on Friday.

Summons *discharged.*

MERCANTILE LAW AMENDMENT BILL.

Order of the Day for the House to be put into Committee read.

Moved, That the House do now resolve itself into Committee.

LORD BROUGHAM said, that this Bill and the Mercantile Law Amendment (Scotland) Bill had resulted from the Conference of Delegates of the Chambers of Commerce and other mercantile bodies of all parts of the United Kingdom which had been held at the instance of the Law Amendment Society in 1852. In consequence of that Conference—over which he presided the first day, but the Lord Privy Seal on the second—a deputation under his Lordship had caused the Government of the Earl of Derby to issue a Commission to inquire into the practicability of assimilating the laws of England and Scotland upon many points on which they were in conflict. As that Government went out of office soon after, nothing was done; but the Government which succeeded, that of the Earl of Aberdeen, issued a Commission, and it had made a Report, in which they unanimously recommended the assimilation of the laws of the two countries in many respects, and in particular of certain practical parts of the mercantile law. The result was the introduction of these two Bills, which were founded on that Report. In his (Lord Brougham's) opinion, however, it was to be regretted that this object should be attempted to be effected by two Bills instead of one; for there would be an obvious practical inconvenience in having one statute applying to one part of the United Kingdom and another to the other. In each were provisions which equally applied to both countries, and yet at the end of each Bill was a clause in which it was declared that the measure should not apply to the other. However, the improvement effected by these two Bills was so valuable, that he would rather accept them with all the inconvenience that attached to them than throw any obstruction or delay in the way of so great an improvement of the law; and he believed he spoke the sense of his colleagues in the Law Amendment Society, and of the great Conference to which he had referred, in making this statement.

THE LORD CHANCELLOR said, it had been much considered whether the necessary alterations should be made by two Bills or by one, and on the whole it was thought that it would be much more convenient to have the two enactments in two separate Bills. After all, the longer of the two Bills would only be about six pages, and the shorter only four pages; there would be no difficulty in understanding them; they consisted of very short clauses. The first Bill would alter the English law and assimilate it to the Scotch law in those points on which it was thought that the Scotch law was the best; the second Bill, *vice versâ* would alter the Scotch law in those points where the English law was the best. Nothing could be more simple than that; and he thought that by this division into two Bills they attained greater brevity as well as clearness. There would have been a difficulty in effecting the assimilation by one common statute, because the legal terms used in Scotland were not familiar to English lawyers.

LORD CAMPBELL expressed the satisfaction with which he saw these Bills before the House, to do away with the discrepancies between the laws of England and Scotland; they were two steps in the right direction, and he trusted they would pass into a law during the present Session. But he observed that his noble and learned Friend (Lord Brougham), in respect to the law of marriage and divorce, had been willing to allow that discrepancy to remain, and only to mitigate its evil consequences; it would, in his opinion, be far better to follow out the principle on which these Bills were framed and to make the law of England and Scotland in that respect substantially the same. He would take this opportunity of observing that from the petitions from merchants and bankers of London against the provisions of the Bill that proposed to repeal a certain clause of the Statute of Frauds, that great misapprehension prevailed as to the objects of that proposition. It was supposed that it was intended to abolish written contracts. Now, that alteration would do nothing of the kind; it would simply permit parol proof of a contract to be received in evidence in the courts of law; whereas, at present, under the Statute of Frauds, no contract could be proved in a court of justice unless a written memorandum of such contract could be produced. He sincerely trusted that when this Bill became law, parties would continue to give and to require written memoranda of their contracts, for nothing could be better than such a practice, *litera scripta manet.* From his experience, he could confidently state that the clause in the Statute of Frauds, which required written evidence of a contract, had encouraged instead of repressed fraud, for under it fraudulent people, who obtained goods on credit, without having given a written memorandum, could defy their creditors in any action for the recovery of the value of the goods, although there was frequently abundance of *viva voce* evidence ready to be tendered in proof of the contract. He was quite ashamed of the subtleties which had been resorted to before him and his learned brothers, in consequence of this discreditable state of the law. It was necessary therefore to get rid of those exceptions, which could not be done without repealing that clause of the Statute of Frauds altogether.

Motion *agreed to.*

House in Committee accordingly.

On Clause 1, repealing the 17th section of the 29th *Chas.* II. c. 3, whereby it is enacted, that

> "No contract for the sale of any goods, wares, and merchandises for the price of £10 sterling or upwards shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorised."

THE LORD CHANCELLOR stated that the Mercantile Law Commission, having carefully taken into consideration all the representations made to them, had come to the conclusion that the clause of the Statute of Frauds must be repealed, in order to get rid of those exceptions by which, instead of preventing frauds, it was so often made the means of committing frauds. In contracts affecting landed property and some other cases, it was quite right that a written contract should always be required; but in the bargains of ordinary everyday business, for the sale of any goods above the value of £10, it was evident such a rule could not be universally enforced; and the evidence taken by the Commission distinctly proved that it was totally disregarded in most of the commercial transactions of London, Liverpool, Manchester, and Dublin, while in Glasgow it was not the law, and the want of it caused no inconvenience. The Commission, therefore, guided by the opinions of Mr. Justice Cresswell and Mr. Baron Bramwell, who as lawyers might rather have been supposed to have a prejudice in favour of existing law, had come to the conclusion that this clause of the old statute of Charles II. produced no good, and recommended its abolition.

LORD BROUGHAM said, that his own opinion was certainly against so extensive a change in the law as was proposed by this clause of the Bill, though, according to his experience, he could not deny that very subtle, and perhaps not very creditable, constructions, were often put upon that provision of the Statute of Frauds, and that it was used as a refuge to which fraudulent persons would betake themselves in a manner the very opposite of what the authors of that statute had intended.

Clause *agreed to.*

Amendment made: The Report then to be received on *Friday* next.

The Mercantile Law Amendment (Scotland) Bill was also passed through Committee.

FAIRS AND MARKETS IN IRELAND.

THE EARL OF CLANCARTY: My Lords, in submitting to the noble Earl opposite the question of which I have given notice, I will, as briefly as I can, point out to your Lordships the importance of the subject to which it relates, and the claim it has to the earliest attention of Parliament. In September, 1852, a Commission was issued by the then Lord Lieutenant, for the purpose of making inquiry regarding the fairs and markets in Ireland. This step was taken, as it appears from the letter, addressed by the Chief Secretary, to the Commissioners, in consequence of the representations that had been made to the Government of the unsatisfactory state of the markets throughout Ireland, their defective management, and the irregularities and frauds practised at them under various forms. The Report of that Commission, a copy of which I have now before me, was in the following year laid upon the table of this House, and it certainly establishes both the propriety of the inquiry having been instituted, and the importance of the earliest attention of the Legislature being given to it. It exhibits a state of things most injurious to the internal commerce of the country, calculated to embarrass and discourage the fair trader, to sanction illegal impositions, and to encourage every variety of fraud between buyers and sellers. Need I say, my Lords, that such a cause of demoralisation, affecting daily the common transactions of business among the masses of the population, ought as promptly as possible to be remedied; and that where commerce is thus wanting in the requisites of legal regulation and of fair dealing, commercial enterprise is discouraged and an impediment raised against the free and proper development of the industrial resources of this country? The instructions to the Commissioners expressly enjoin them to conduct their inquiry with a view to legislation, and among the objects to be obtained in addition to the correction of all irregularities, is a machinery for supplying the Government with accurate returns of the quantities and average prices of all articles of agricultural produce annually disposed of at the several markets. The Commissioners appear to have addressed themselves very diligently to the duties they undertook. They visited the principal market towns in every part of Ireland; the facts they report they rest upon evidence they everywhere took in open court, where misrepresentation could not be regarded, and the recommendations and suggestions with which they close their Report are supported by the opinions of the most competent witnesses. I will, with your Lordships' permission, very briefly notice some of the abuses and irregularities they have enumerated, that you may be enabled to judge of the urgent importance of a legislative remedy being as promptly as possible applied. They found that tolls were collected often without warrant, and that where warranted they were wanting in uniformity owing to its being, in most of the patents for holding markets, left to the discretion of the patentee to determine what was " a fair and reasonable toll." In one town they found an advalorem toll of 2½ per cent claimed on corn; in another they found "3*d.* to the crown value," or 5 per cent levied as toll on the sale of frieze, an article in common wear among the peasantry. In other places toll in kind was claimed, as in Gort, where one-sixtieth was claimed on all corn sold; and at Skibbereen where "one-sixteenth part of all meal and potatoes" was claimed as toll; but, though the toll boards exhibited such charges, a fixed charge in money was generally levied. In many towns, tolls were levied on days that were not market days, and upon articles upon which toll could not legally be demanded. One instance may suffice to illustrate the extortions in this way practised at times upon the peasantry. Evidence was given before the Commissioners at Roscrea, of the collector having demanded 4*d.* toll on a goat, the sale of which had only produced 2*s.* 6*d.* The purchaser refused to pay, on the ground that there was no such charge in the schedule. The collector seized the goat, asserting that it came under the head of "horned cattle," and was therefore chargeable. In addition to the evil of tolls being thus variable, and often illegal, the Commissioners found that in many places tolls were exacted where the public had no accommodation of fair-green or market-place, and that the public thoroughfares were in consequence blocked up on fair and market days, by the exposure therein of live-stock and agricultural produce for the purpose of sale. All these circumstances combined gave rise, about twenty-five years ago, to an organised system of resistance which eventually resulted in the abolition of tolls, by mob force, in a great number of market towns in the provinces of Leinster, Ulster, and part of Munster. The Commissioners, however, observe, that defective as is the superintendence of the markets generally where tolls are levied, the worst markets they visited were those where tolls had been abolished owing to the total absence of supervision and control. The want of uniformity in weights and measures, and the irregularities practised in weighing, are prominently noticed in the Report, as evils requiring to be dealt with by the Legislature, a very full return is appended to the Report, showing the difference of the weights in use in the several market towns. It may suffice to notice with regard to four principal articles of agricultural produce, the variations of the same denominations of weight in use for measuring them in different towns; for example, a barrel of oats at Roscrea and Nenagh is 12 stone; at Limerick, Cork, and Dublin, it is 14 stone; at Newtown Limavady, 18 stone; at Sligo, 24 stone; at Killarney, 32 stone, and at Skibbereen and Bandon, 33 stone. Potatoes are purchased in some places by the stone of 14 lbs.; in others the stone is 16 lbs. They are also sold by barrels, consisting, in different places, of 15, 20, 21, 24, 32, 40, 48, 64, 72, 80, 95, and 96 stones of 14 lbs. Flax is, in some markets, sold by the stone of 14 lbs.; in others, of 16 lbs.; and a cwt. of flax consists, in different localities, of 112, 120, and 124 lbs. The cwt. of pork is, in some places, 120 lbs.; in others, 112 lbs. The variations of weight in different places are aggravated by the various sytems of weighing in operation in different places, and by deductions and allowances, generally operating to the disadvantage of the seller, who, in turn, has often recourse to fraud, in order to increase the weight of whatever he brings to market. The provocation to the practice of fraud on the part of poor farmers who bring their corn to market may be further estimated by the frauds stated in the evidence, to be practised upon them in the weighing of their goods at the private stores of the merchants. A case is noticed by the Commissioners of a purchaser having been convicted of having thirty-four barrels of wheat in his store at the end of one market day, for which he had not paid the sellers, but had obtained by fraudulent weighing. Such practices, where fraud must necessarily be met by fraud, cannot but be most injurious to the morals of the community as well as detrimental to commerce. The prevalence of irregularity in the department of weighing, against which there is no summary means of obtaining redress, and from which the poorer classes are, therefore, commonly the sufferers, may be illustrated by the fact, that in some places the Commissioners found men and women placed in the scales in the absence of the standard measures of weight. It is no doubt strange and almost incredible that a state of things such as these Commissioners have reported should exist, but it is, my Lords, much more strange that such irregularities and abuses, which are not now for the first time reported upon, should have been allowed by the Government of the country to go on for years unchecked. From the year 1826 down to the present time, Parliamentary Committees and Royal Commissioners have reported upon the urgent necessity of remedial measures for this evil. The Select Committee of the House of Commons on Tolls and Customs in that year conclude their Report by stating—

> "The subject to be one requiring the most serious and the earliest attention, and they earnestly hope that the consolidated and amended Bill, recommended by them, would correct existing abuses, and prevent their future occurrence."

In 1830 a Select Committee "on the State of the Poor in Ireland," recommended as one of their remedial measures "a correction of the abuses incidental to the system of Tolls and Customs;" and another Select Committee, appointed later in the Session of the same year, being unable to conclude their inquiry into the state of fairs and markets in Ireland before the prorogation of Parliament, "earnestly recommended the renewal of the investigation in the ensuing Session of Parliament." The conflicts of party, to which the interests of Ireland have ever been sacrificed, probably interfered to prevent the subject being again noticed until, in 1835, the Commissioners, in that year, appointed to report on the state of the Municipal Corporations in Ireland, after describing the objectionable nature of the tolls and customs within the receipt and management of Corporations, add—

> "We canot conclude our remarks on this branch of the inquiry without observing on the necessity that appears to exist, as far as our observations extended, of a thorough revision, by legislative authority, of the entire system."

Notwithstanding these concurrent testimonies to the importance of such legislative revision, the commerce of Ireland was allowed, from 1835 to 1852, to continue in that disgraceful condition which the Commissioners, whose Report is before me, have again brought to the knowledge of the Government. Founded upon the recommendations contained in their Report, I might legitimately claim on behalf of Ireland that Her Majesty's Government should this very Session frame a Bill to be proposed to Parliament. But the noble Earl would no doubt object, that it was too late for any Bill to be prepared. I am, however, enabled to anticipate that objection by reminding the noble Earl that a Bill founded upon the Commissioners' Report was introduced into the other House of Parliament at the conclusion of the Session of 1854, "prepared and brought in by Sir John Young and Viscount Palmerston." The subject, therefore, had been considered by the Government. The noble Earl was a Member of the Cabinet from whence the Bill proceeded, and, therefore, the subject cannot be new to him. True, there was a change of Government early in the following year, and, therefore, probably the Irish question was again overlooked; but let the noble Lord recollect that the great majority of those who originally framed the Bill are Members of the Government of the noble Viscount, by whom it was introduced. Why, then, I ask, was it not proceeded with? Is there any reason that a measure so considered and so introduced, should not be now taken up and proceeded with? Looking at the very serious evils prevailing in Ireland which it was designed to correct, I cannot but regard it as a wrong to the country, that the subject should have been put aside. If the Bill was a good one, which it appears to me to be as far as it goes, the interests of Ireland, especially of the poorer classes, required that it should be gone on with. If it was a bad one it ought not to have been introduced, but the subject of it, the evils it was intended to correct, was of too much public importance to be therefore neglected. I trust the noble Earl, having had full notice of the question with which I shall now conclude, will be prepared to return a favourable, if not a directly affirmative answer. I, therefore, beg to ask "Whether it is the intention of Her Majesty's Government to introduce in the present Session any Bill founded upon the Report of the Commissioners appointed to inquire into the State of the Fairs and Markets in Ireland."

Earl GRANVILLE said, that in addition to the Bill brought in by Lord Palmerston in 1854, a Bill of a similar character had been introduced by Sir John Young, both of which they had been obliged to abandon. The present Secretary for Ireland had also turned his attention to the subject, but he had not been able to find such an agreement among the Irish Members as had, hitherto, encouraged him to frame a measure on the subject. There could be no question of the anomalous state of the law, and he had no doubt his right hon. Friend (Mr. Horsman) would not relax in his attempts to come to a satisfactory understanding with the Irish Members. He was, however, unable to give any pledge that a Bill would be introduced during the present Session upon the subject which had been brought under their Lordships' attention by the noble Earl.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, April 29, 1856.

Minutes.] Public Bills.—1° Sleeping Statutes. 3° Bankers' Compositions.

SUPPRESSION OF LEAVING-SHOPS—QUESTION.

Mr. BRADY said, he begged to ask the hon. Secretary of the Treasury if the Government intended giving instructions for the prosecution of the man Perkins and others, owners of "Leaving-shops," who appeared before Sir William Carden, at Guildhall, a few days ago, for receiving goods and lending money thereon without having a pawnbroker's licence? Also, whether it was intended to introduce any measure during the present Session, having for its object the suppression of places which tended so much to foster crime.

Mr. WILSON stated, in reply to the first question, that the Solicitor to the Board of Inland Revenue had received no information in reference to the circumstances to which the hon. Member alluded. In answer to the second question, he might state, that having consulted the authorities of the Board of Inland Revenue, he found they were of opinion that the law connected with the subject was very defective. It was, therefore, his intention to introduce in a few days a Bill to amend that law.

BANDS IN THE PARKS ON SUNDAYS—QUESTION.

The Marquess of BLANDFORD said, he wished to ask the right hon. Baronet the Chief Commissioner of Works if he would state what arrangements had been made, or were contemplated, with reference to the performance of the military bands in the public parks on Sundays—that is to say, in which of the public parks it was proposed that the military bands should in future perform; and whether there was any truth in the statements that had appeared that preparations were contemplated in such places for the accommodation of the performers and the public, by the erection of an orchestra and a place for the sale of refreshments?

Colonel NORTH said, that before the right hon. Gentleman answered the question of the noble Lord, he wished to ask another question respecting the regimental bands employed to play upon the occasions referred to. Although the bands were composed, in a great measure, of private soldiers of the regiments, they were entirely supported at the expense of the officers of the several regiments. It had always hitherto been the custom to ask permission of the officers in command of those regiments to allow their bands to play in public; and it had always been considered as a great favour on their part to grant that permission. He therefore wished to know whether the right hon. Baronet had obtained the consent of the officers of the various regiments to allow their bands to play, especially as he understood, from the papers of the day before, that upon the return of the army from the Crimea the several bands were to be called upon to play at the stations in which each regiment happened to be quartered.

SIR BENJAMIN HALL said, he would first reply to the question of the hon. and gallant Member for Oxfordshire (Colonel North). He had communicated with the noble Lord at the head of the Horse Guards, and had requested him to give directions that the military bands should be allowed to play in the parks on Sundays. His noble Friend, he believed, had thereupon communicated with the officers in command of regiments. On that point, however, he could not be certain, but he might observe that he (Sir B. Hall) had taken the usual course in the matter. With respect to the payment of the bandsmen, he had to state that, having corresponded with Colonel Williams, the gallant officer in command of the 2nd Life Guards, he had been enabled to make arrangements for that payment, which had been entirely satisfactory to the gallant officer. He had now great pleasure in proceeding to answer the questions which had been put to him by the noble Lord (the Marquess of Blandford), which, in fact, resolved itself into four questions. Hon. Members must be aware that last autumn he (Sir B. Hall) had given direction that the military bands should play in Kensington Gardens for the recreation—he might say, the innocent recreation—of the inhabitants of this vast metropolis. In order that there might be no mis-statement or exaggeration with respect to the number who assembled there to hear the music, he had ordered an account to be taken at the different gates of the gardens of the number which was present, and he had found that number to range from 35,000 to 75,000 persons. The arrangements which had been made last year had been commenced, and would be continued during the present year. The vast number he had just mentioned had assembled, too, he might remark, at a period of the year when town was regarded as being comparatively deserted. Last Sunday week there were 79,247 persons assembled in Kensington Gardens, and he thought it would be found inconvenient that the whole mass of the population should be brought together at one point. He had, therefore, given directions, which had met with the approval of Colonel Williams, who commanded the 2nd Life Guards, that the band should play in Regent's Park on Sunday next, and upon each succeeding Sunday—when the weather permitted—between the hours of Divine service. In reference to Victoria Park, he might add, that he had received yesterday a letter from the camp at Woolwich Common, from Lieutenant Colonel Dickson, commanding the Queen's Own Light Infantry, in which that gallant officer conveyed the very kind offer that the band under his orders should play in the Victoria Park, at a spot adjoining the quarters of the Tower Hamlets Militia. He intended, tomorrow, in reply to the letter in question, to thank the gallant officer, and to accept his offer. He proposed, accordingly, that the band should play in Victoria Park at the same hour as in the other parks on Sunday week. The only accommodation which had been provided for the performance in Kensington Gardens was that which had existed for several years—namely, the platform upon which the band had played for the amusement of those ladies and gentlemen who had visited Rotten Row upon Tuesdays and Fridays for the purpose of listening to the music. That platform, however, was very small and inconvenient, and it was his intention to direct that a new one should be erected either by next Sunday or the Sunday after. In answer to the last question of the noble Lord, he had to state that no better accommodation for refreshments had been provided in Kensington Gardens beyond that which he had found there when he came into office. He was aware, however, that the accommodation in question was not commensurate with the wants of the number who assembled upon such occasions; and although he had not taken any Vote in the Estimates for any extension of the accommodation, yet if he found that vast crowds continued to assemble after the proposed dispersion of the bands, he should feel it his duty to cause the erection of some temporary building or tent in which the public might obtain the necessary refreshment. He deemed it right to state, also, that the refreshments which would be provided would be of a most innocent character, consisting simply of tea and coffee, soda water, ginger beer, and such other non-intoxicating beverages. He might add, that he had been in Kensington Gardens last Sunday week, when upwards of 79,000 persons had assembled; that he saw there several Members of both Houses of Parliament, and all, he felt assured, would concur with him in thinking that the conduct of the people had been most admirable. In confirmation of this, he might also observe that every Monday morning, after the band had played, the superintendent of the gardens had come to him to make his report, and had invariably been able to state that so admirable had been the order maintained that, notwithstanding the numbers assembled, not a single shrub had been damaged. It was, therefore, his intention to proceed as he had begun, and to afford that recreation to the inhabitants of the metropolis which they seemed thoroughly to enjoy, of which their conduct showed them to be worthy, and which, he was happy to say, they fully appreciated.

The Marquess of BLANDFORD said, he would now beg to ask whether any correspondence relative to the subject had taken place between the right hon. Baronet and the noble Lord at the head of the army, or with his Royal Highness the Duke of Cambridge, as Ranger of the Park, on the subject? If so, he should be glad to know whether there was any objection to lay such correspondence upon the table of the House?

Sir BENJAMIN HALL said, he had communicated, as he had already stated, with the noble Lord at the head of the Horse Guards last year, and had asked him if he had any objection to his request. He, however, was prepared to take the whole responsibility of the steps which he had taken upon himself and the arrangements referred to had been carried out at his particular instance. The communication in question, to which the noble Lord at the head of the Horse Guards had replied, acceding to the request which it conveyed, was very much in the nature of a private letter.

The Marquess of BLANDFORD: Perhaps the right hon. Baronet would have no objection to lay it upon the table? (*Cries of* "No, no!")

Colonel NORTH said, he wished to explain, that in asking the question which he had just put, he had no desire to express an opinion that the bands should play in the parks on Sundays for payment.

Lord ROBERT GROSVENOR said, he wished to know whether any of those soldiers who composed the bands, and who were compelled to give up their Sunday afternoons for the public amusement, would, in case they objected to do so from conscientious motives or otherwise, be excused from attendance?

Viscount PALMERSTON said, that in the absence of his hon. Friend the Under Secretary for War, he was unable to give the noble Lord a direct answer.

Subject dropped.

OBSERVANCE OF ASCENSION DAY—QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the First Lord of the Treasury whether it was his intention to propose any observance of Ascension Day, either by following the precedent long established by the other House of Parliament of adjourning over that day, or by at least adopting the practice on that House with respect to Ash Wednesday, that, in order to allow attendance on Divine worship, neither the House nor Committees should on that day meet before two o'clock?

Viscount PALMERSTON said, he saw no objection to making an arrangement by which Committees of the House should not be called upon to meet before two o'clock on Ascension Day.

CHURCH RATE (No. 1.) BILL—QUESTION.

Sir JOHN PAKINGTON said, he wished to know whether the Government were prepared to proceed with the Church Rate Bill of the hon. Baronet the Member for the Tower Hamlets, (Sir W. Clay) which stood for committal on the Orders of the Day for to-morrow, and which they had virtually accepted? He thought the Bill ought to be postponed until certain Returns for which he had moved had been made, and he hoped the Government would accede to that opinion.

Sir GEORGE GREY said, that the right hon. Baronet was in error in supposing the Bill of his hon. Friend the

Member for the Tower Hamlets had been adopted by the Government. He (Sir G. Grey) meant, when it came under their consideration in Committee to-morrow, to move the Amendments of which he had given notice.

TREATY OF PEACE—ADDRESS TO THE CROWN—QUESTION.

MR. LAYARD said, that with reference to the notice which had been given by the noble Lord at the head of the Government upon the previous evening, that the treaty of peace would be taken into consideration on Monday next, he begged to ask whether the noble Lord proposed to move an Address to Her Majesty, and whether that Address would be submitted to the House before the discussion which was to take place on Monday commenced?

VISCOUNT PALMERSTON: Sir, the usual course upon such occasions has been to move an Address to the Crown. A Motion of that kind, I may add, has generally proceeded from an independent Member of the House.

FIREWORKS IN THE PARKS—QUESTION.

LORD HOTHAM said, he wished to inquire of the right hon. Gentleman the Chancellor of the Exchequer when he would lay upon the table the Estimates of the expenses connected with the proposed public demonstration in honour of peace, and also if he would undertake that it should be so framed as to show the cost of the preparations in the public parks, as well as of those which were being made at the Royal Arsenal at Woolwich?

THE CHANCELLOR OF THE EXCHEQUER said, he could only repeat what he had stated upon a previous occasion, namely, that it was not the intention of the Government to bring forward an estimate upon the subject. The whole cost in connection with the fireworks in the metropolis would not amount to more, he now believed, than £6,000, and unless it was the general wish of the House, he saw no reason why a separate estimate should be laid upon the table for that small sum.

CONSTABULARY FORCE (IRELAND)—EVICTIONS IN GALWAY.

MR. M'MAHON said, he rose to move for the appointment of a Select Committee to investigate the allegations of a petition from the inhabitants of two parishes in the county of Galway, relative to the wholesale depopulation of the rural districts in Ireland. It was not his wish to cause any delay in proceeding to the adjourned debate, and he would not have pressed the Motion at that time had not the dwellings of upwards of 500 families depended upon the result. It had been twice postponed last year to meet the requirements of public business, and he feared that those interested would think he was virtually abandoning their cause. He hoped the Government would grant him the Committee he asked for, without his having occasion to trouble the House with any observations that at that moment they might be unwilling to listen to. Not having received any assurance from Her Majesty's Government as to fixing a day for his Motion, he felt that he could not abstain from proceeding, though he did so with great regret, knowing that he might prejudice the case of the petitioners by addressing a House unwilling to hear him—[*Cries of* "Go on!"]—Well, then, the case was this. On the 25th of March, in the last year, he had presented a petition from the inhabitants of Kilbegnet and Ballynakill in the county of Galway, signed by every respectable person in those parishes. The petition set forth that a gentleman named Allan Pollok, and Margaret his wife, had purchased an estate from the Encumbered Estates Court of about 7414 statute acres, on which were 500 tenants, making a population of 2,500 souls. These tenants were remarkable for their punctuality and sobriety, and for the total absence of agrarian outrage. They did not owe one penny of rent, and came forward voluntarily to offer an advance. Mr. Pollok had talked with these tenants, and had promised that not one of them should be evicted. Notwithstanding this, he almost immediately proceeded against these 500 tenants, including, as he had said, 2,500 persons, without any cause whatever. The petitioners say that they have no protection except in the interference of that House. To destroy and depopulate a whole district in this way was contrary to the general interests of society. Up to the time in which this property had been purchased by Mr. Pollok there had been in the district but five police; these had since been raised to ten; and, on the application of Mr. Pollok, another police station had been appointed in the district, which it appeared was wholly under the control of one of the servants of Mr. Pollok. That was surely an arrangement contrary to the interests of the public service. Yet the district was still free from outrage. It was traversed day and night by Mr. Pollok's servants, who had met with no injury nor molestation up to the present moment. Recently a large body of police, under the command of two chief inspectors, were going about, scattering about processes of ejectment, on behalf of Mr. Pollok, in the most illegal and irregular manner, in some instances by nailing them to the doors of the houses. The petitioners entreated the House to take the matter into consideration; to interpose the shield of its legitimate protection, and save from ruin and certain death so many inoffensive and loyal subjects. Now, this statement of the petitioners was one which could not be contradicted; in fact, the substance of it had been admitted by Mr. Pollok himself. The gentry in all parts of the country detested these proceedings; there was not one who did not regard them with abhorrence. The matter had excited great attention. It had been much discussed in the public journals, upon which a brother of Mr. Pollok's had taken the matter up, and had published a statement, from which he would read some extracts. In the statement Mr. Pollok sets forth that he had purchased the property in the Incumbered Estates Court, under the direct inducement that he was to have possession of the leases on whatever conditions he thought proper. He had founded his calculations, he said, not on the present rental, but on an estimated rental. He found the tenants without capital, and his arrangements required that his tenants should have capital. The system, he contended, which had hitherto prevailed on the property had proved ruinous to it, and if suffered to continue would prove equally ruinous in future, and so he was compelled to alter it. Now that statement said nothing of the fact that the tenantry owed no rent;. they were not a poor tenantry—nothing was said about the advances which they had offered—instead of which the gentleman pleaded a set of notions on political economy. By this means he turned his tenants into the poorhouse, and ruined the neighbouring proprietors. Such conduct was altogether indefensible, and he (Mr. M'Mahon) asked the House to grant a Committee of Inquiry to consider if some means could not be adopted to restrain such proceedings. There were few Members on either side of the House who had not condemned the practice of wholesale eviction. He could refer to several authorities, and amongst others to those of Sir Robert Peel and Lord Stanley, to show the mischief of thus turning a population loose over the country, and in support of the opinion that those who thus evicted their tenantry ought in justice to contribute to their maintenance. All those authorities expressed the greatest reprobation of the system. Those opinions were from that (the Opposition) side of the House, but he would cite one from the other side, that of the right hon. Gentleman the Secretary for Ireland, who at that time represented Cockermouth. He (Mr. Horsman), in the debate on the Crime and Outrage Bill had described with feeling the state of those outcasts, who, receiving no protection from the law, took the law into their own hands, and avenged themselves on society in self-defence. If such a system were to be adopted in England, he believed that the country could not be governable for a week. Again, in 1850, upon a Motion for a special Commission to inquire into the state of the Kilrush Union, the right hon. Gentleman said:—

> "He had visited the Union during the recess, and he believed that if any person had travelled through Europe during his whole lifetime, he would never have witnessed so much misery arising from the same cause as he saw concentrated there in the course of a single week. . . . . It was all very well to speak of the 'rights of property,' but were there no rights of humanity or rights of life? If they went to first principles, who would deny that property was for the benefit of all, not the few? There was no law which told human beings they should die in hundreds. Under the circumstances in which they were placed, then, he thought they were justified in asking whether the cause of such misery as was described, should not be traced."—[3 *Hansard*, cix. 481, 482.]

When, therefore, the right hon. Gentleman was on the Opposition side of the House it was his opinion that these extraordinary circumstances ought to be made the subject of investigation. These statements were his (Mr. M'Mahon's) authority for asking the Secretary for Ireland why inquiry should not be granted. Another authority which he would quote was that of the Devon Commissioners, who spoke with reprobation of those wholesale evictions by the landlords, saying that the great difficulty in dealing with them lay in this, that the law allowed them, and that an abuse of the rights of law could not be remedied by the interference of law. Yet it was possible to point out a remedy for those evils, and not to permit landlords to turn out their tenantry without taking every previous step to obviate the necessity. Mr. Pollok was proceeding still further in this line. He had already depopulated a district of 5,000 inhabitants, and was about to depopulate as many more. He (Mr. M'Mahon) did not found his objection on the exercise of the right of property, but there was no right which allowed any one to clear whole thousands of Her Majesty's subjects. Half-a-dozen such landlords would clear away a whole county, and when land was thus turned into a desert, society was injured; and no one had a right to do it. Those matters of clearances had often been considered already in England. From the time of Henry VI. to that of Elizabeth, the system was increasing of turning arable land and whole villages with it into pasture land; the country was depopulated in consequence; and in the time of Henry VII. a law was promulgated, which, though not put in force, remained unrepealed to the present day. It was a law which might be enforced even now, if the Government thought it their duty to enforce it as a protection to the lives of the people of Ireland. The application of that Act might be usefully employed with regard to Ireland at the present time; it referred to the wilful laying waste of houses by converting land into pasture, by which a few herdsman occupied the ground formerly occupied by many labourers, and thus fewer men were left for the defence of the land against its enemies. In the reign of Henry VII. a Bill was passed against eviction, which was then being carried to as great an extent in England as at the present time in Ireland, and it was followed by other Statutes to the same effect in the reigns of Henry VIII., Mary, and Edward VI. All those statutes had, however, been repealed except that of the 4th of Henry VII., which was, therefore, still applicable to Ireland. It had for centuries been part of the general policy of the country that landlords could not clear off the population for their own special benefit. Sir Mathew Hale declared that diminishing the subjects of the Crown was a capital felony, as being contrary to the general policy of the country, and the same view was taken by Sir Edward Coke. In 1635, when the Judges were going circuit, the Chancellor recommended that the offence of depopulation should be brought under the notice of the grand juries, and that the penalties provided by the law should be strictly enforced. But the system was at last checked in England when the law of settlement was adopted. In the reign of Charles II., if a landlord cleared off his tenantry, the law of settlement obliged him to maintain them at his own expense; and from that time to the present there had been in England no such system of extermination as that which now existed in Ireland. He had no doubt that means might easily be devised to put an end to the practice in Ireland as well as in England. If the English law of settlement were extended to Ireland, and gentlemen like Mr. Allan Pollok, for instance, compelled to provide, by means of a poor-rate, for the maintenance of their evicted tenantry, they would hesitate before resorting to so harsh and cruel a measure. At present, when a district was laid waste, the inhabitants were driven into a distant workhouse, and the evictor did not pay a sixpence of poor-rate; but he could not so escape if some provision were made that a poor-rate should be levied upon the wasted district, whether it contained inhabitants or not, or whether the person who pretended to be the owner was the real proprietor or not. There was another mode by which the system of extermination might be checked. In England, if a manufacturer required a number of policemen to protect his property, he was obliged to pay for them at his own expense; but in Ireland the police was a military force, maintained out of the national revenue. Why should gentlemen like Mr. Allan Pollok, therefore, not be placed in the same situation as the English manufacturer? Various other means might be devised for putting a stop to evictions. A Committee might assimilate the Irish to the English law, so that if persons wished to exterminate their tenants they should do so at their own expense, and not at that of the public. He trusted, therefore, that the noble Lord at the head of the Government would grant an inquiry for the purpose of ascertaining if the statements of the petitioners were true, and if means could not be devised for checking the abuse of a right which had proved the ruin of a thousand families.

MR. BELLEW said, he had much pleasure in seconding the Motion; he was induced to do so partly because the petition to which allusion had been made proceeded from a portion of his constituents, and partly because, as an Irish landlord, he was anxious to state the opinions and feelings of the greater number, if not the whole, of his brother proprietors. No one who saw the manner in which Irishmen had conducted themselves during the late war could deny that the success or failure of the Irish people was bound up essentially with the well-being and happiness of this great empire. He rose as much to vindicate the cause of the Irish landlords as to advocate that of the Irish people; because he did not believe that as a rule the landlords acted from any ill-feeling or want of consideration towards the people; but rather from some misconception or other which it was difficult to explain. In the county of Galway one lady, for example, evicted a large number of tenants because she believed them to be guilty of rank Ribandism. Those tenants having been evicted again took forcible possession, and they were sent for trial at the assizes; when the lady declared, owing to the mode in which the proceedings were conducted, that the law officers of the Crown were conniving at Ribandism. Now, if this lady allowed her mind to be so warped with respect to the law officers of the Crown, she might be in equal error with regard to her own tenantry. He hoped his hon. Friend the AttorneyGeneral for Ireland would vindicate his late colleague and himself from the charge of Ribandism. Then, again, as to Mr. Pollok, he believed that that gentleman was not so much an ill-conditioned, hard-hearted man as he was the victim, so to speak, of a misconceived passion for evictions, for Mr. Pollok evicted all alike, rich and poor, and not only allowed them the full value of everything upon their land, even to the poultry, but gave them something additional upon quitting. Still he (Mr. Bellew) thought that the system of evictions could be supported by none but such as were ignorant of the resources of the country. All experience was decidedly opposed to such a practice. Greece encouraged the increase of her labouring population, though the helots were to freemen as twenty to one. Rome also, during the period of her greatness, encouraged the growth of her population; and it was surmised by eminent men that one of the causes of her decline was her allowing her own territory to go out of cultivation, and importing corn from other countries. He would also call the attention of the House to the opinion of Sir Thomas More, who, in the reign of Elizabeth, deplored the engrossing of large farms, a system which he said was prejudicial in the highest degree to the welfare of the country, and conducive to the spread of crime. He hoped that there would proceed from both sides of the House such an expression of opinion as would induce the Government to grant the Committee which his hon. Friend asked for. He could not forget the anxious faces of wives and mothers, who had walked twenty or thirty miles to the assize town to obtain a few hours' earlier possession of the fact as to whether they were destitute before heaven, or for six months longer had a roof to cover them. In the name of humanity he appealed to the House and to the Government to grant this inquiry.

Motion made, and Question proposed—

"That a Select Committee be appointed, to investigate the allegations of a Petition from certain inhabitants of the parishes of Kilbegnet and Ballynakill, in the county of Galway, presented on the 26th day of March last year, and to consider the expediency of devising means for restraining the wholesale depopulation of Rural Districts in Ireland."

VISCOUNT PALMERSTON said, it was not his intention to follow the hon. and learned Gentleman who had brought forward the Motion, and the hon. Gentleman who had just sat down, through the details into which they had entered, or the arguments they had advanced, in connection with the Motion that had been put from the chair. Without trespassing at any length on the time of the House, and apologising at the same time to the two hon. Members for his inability to meet their appeal to Her Majesty's Government, he would shortly state that he must feel it his duty to oppose that Motion. He must also say that he did not think it was quite consistent with the usual forms of Parliamentary proceedings, nor, certainly, with the customary forms of that House, for the Government to consent to such a Motion as that brought forward by the hon. and learned Gentleman (Mr. M'Mahon). He begged, at the same time, to be distinctly understood that he was not disposed, on general principles, to differ much from the views which had been expressed in the speeches the House had just heard. The hon. Gentleman had gone into a great variety of circumstances which, on the one hand, it would be very inconvenient to discuss in the form suggested by them. On the other, it was hard to say what remedy gentlemen who happened to be the holders of estates in Ireland could have against tenants from whom they could obtain no rents, if they were not allowed to take proceedings for the recovery of such rent by proper legal means. But he could not help expressing his conviction that the too frequent resort to this practice of "clearing estates" by Irish landowners, through process of eviction, except under very extreme circumstances, was one ill-calculated indeed to advance the prosperity of their common country, or the feelings and the welfare of the people. To such a species of proceeding he could not give his support; and he hoped that what had passed that evening might have its effect on those who contemplated having recourse to it, and induce them to reconsider their purpose. Having said that much, he hoped the hon. Gentlemen, who made and seconded the Motion, would not think him wanting in courtesy or underrating the interest of the question they had brought before the House, if he moved that the House pass to the Orders of the Day. The importance of the question they were discussing last night, without disparaging the merits of that which had been raised by the hon. and learned Gentleman, it was impossible to overrate. It was one of extreme interest to that House and to the whole country. He therefore trusted the hon. mover and seconder of the question before the House would excuse him for saying, that he could not consent to any delay or interruption in the resumption of the adjourned debate of the preceding night. His own opinion was, that the House was not, at the present moment, in any temper to give its attention to any other Motion on matters of the nature which had been brought forward by the hon. and learned Gentleman when it was interposed to the progress of the more urgent question he had alluded to. But he thought, moreover, that it would be for the benefit of the discussion in which the hon. Members opposite were so anxious to engage the House, that it should not be brought on at the present time. The House should not allow itself to be turned for one instant from proceeding with a debate of so very great importance as that to which he had alluded. That was a question involving neither more nor less than a direct vote of censure on Her Majesty's Government.

Mr. G. H. MOORE said, the opinion expressed by the noble Lord rendered it utterly unnecessary that he should deliver the speech which he had intended. He thanked the noble Lord for having expressed the opinion which it was desired to elicit from the House of Commons, and he hoped the noble Lord would substitute for his Amendment that the system of wholesale evictions without cause or necessity,

alleged to be attempted in some parts of Ireland, was inconsistent with the best interests of the State.

Mr. E. ELLICE said, he regretted that the Gentleman whose name had been so prominently brought before the House as promoting this system of eviction was a Scotchman, and, further, that that system had long been known in Scotland, and was a curse to the country. He must, however, confess that there was great difficulty in dealing with it, but he thought, at least, that it was a subject entitled to consideration. The attention of the House having been called to those proceedings, and their opinion expressed that they were not justifiable, would be, he trusted, a lesson to the party in question. And he also hoped that the Members for those remote parts of Ireland, in which alone they were likely to take place, would not hesitate on every occasion to denounce in that House by name the authors of such atrocious measures.

Mr. DISRAELI said, he quite agreed with the noble Lord at the head of the Government that, considering the importance of the debate which had been adjourned from yesterday to that day, it would be inconvenient that any other subject should intervene and delay the resumption of that adjourned debate. He should have ventured to express that opinion before, had it not been for the peculiar nature of the subject which had been brought before the House by the hon. Gentleman (Mr. M'Mahon), but, as he believed that the catastrophe which the hon. and learned Gentleman wished to avert might ensue next July, and, as the noble Lord could not give the hon. and learned Gentleman a day for bringing the subject before the House, he thought that great indulgence should be shown to the hon. and learned Gentleman in deference to the position in which he was placed. He thought that the hon. and learned Gentleman must have been satisfied at the strong expression of feeling which his statement had called forth from both sides of the House, and that he must also feel that it would be now better to accede to the Motion of the noble Lord, because the present was not an occasion upon which a subject so delicate and so difficult could be calmly and dispassionately considered. The subject was one which he was certain that no one, whatever might be his opinion as to the general law, could have heard the statement of the hon. and learned Gentleman, or have listened to so painful a history, without arriving at the opinion that the exercise of rights under the law as described was most intolerable in a Christian nation. He had always felt that upon the whole the Incumbered Estates Court had been beneficial, but if there was anything which could raise a prejudice against that court it would be, that it gave to strangers who might even be non-resident the opportunity, if they thought fit, for depopulating large districts. He observed with great pleasure that it was not by a native of Ireland that it was alleged that these outrages upon common feeling had been committed. He did not now pretend to give any opinion as to the specifiec Motion. He had felt it his duty to make these observations, and he hoped that when the opportunity was afforded for discussing the subject it would be approached in a calm and dispassionate spirit. At present, however, he felt that the proper course to pursue would be to agree to the Motion of the noble Lord, and proceed at once with the adjourned debate on the fall of Kars.

MR. J. D. FITZGERALD said, that with regard to the question which had been put to him by the hon. Member for Galway (Mr. Bellew), he would observe that the statement he made was from a letter which had been published in the *Morning Advertiser.* He (Mr. FitzGerald) had made inquiry into the subject of that letter. The statement made with regard to Mrs. Blake's clearing the tenants from her estates, on the ground that they were Ribandmen, he would pass over, and confine himself to answering the attack on the law officers of the Crown, and he would state that the letter which had appeared did not contain one particle of truth.

SIR MICHAEL SHAW STEWART said he could not help saying a few words in favour of Mr. Pollok, after the very strong language which had been used that evening against him. Mr. Pollok was a friend of his. He had known him for a long time, and he was a highly honourable man. The language which had been used, not by Irish Members, but by hon. Members who had since addressed the House, was somewhat unfair, because they went upon the presumption that all that had been said was true. He was not aware whether it was true or not, but the petition contained statements which he did not believe to be true.

MR. MAGUIRE said, his hon. and learned Friend (Mr. M'Mahon) did not rely upon an *ex parte* statement. He could only say that this Scotch gentleman might be a very excellent man, but it was clear that he was a very bad landlord.

MR. M'MAHON said, in consequence of the valuable opinions which this subject had elicited from all sides of the House, he should not be doing justice to those who had entrusted him with their case if he persisted in pressing it. He was, therefore, prepared to withdraw his Motion, and he hoped the noble Lord would withdraw his Amendment.

VISCOUNT PALMERSTON said, it would be more convenient that his Amendment should be adopted by the House.

Whereupon, Resolved, That the House do pass to the Orders of the Day.

THE FALL OF KARS—ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Question [28th April]—

> "That, while this House feels it to be its duty to express its admiration of the gallantry of the Turkish Soldiery, and of the devotion of the British Officers, at the siege of Kars, it feels it to be equally a duty to express its conviction that the capitulation of that fortress, and the surrender of the army which defended it, thereby endangering the safety of the Asiatic Provinces of Turkey, were in a great measure owing to the want of foresight and energy on the part of Her Majesty's Administration."

Debate *resumed.*

MR. J. G. PHILLIMORE said, that much as he admired the ability with which the hon. and learned Member for Enniskillen had introduced the subject of this debate, yet he must regret that the hon. and learned Member had not chosen a more convenient opportunity for the display of his great forensic powers. The hon. and learned Gentleman ought to recollect that although it was an allowable artifice for an advocate to hide all parts of the case that made against him, such conduct was not admissible in a senator, more especially when he was called upon to exercise functions of a judicial nature. The hon. and learned Gentleman had given a vote on the subject of the Turkish loan, which had more influence on the fate of Kars than any rhetorical display. It mattered comparatively little that any hon. Gentleman should make a patriotic speech, but it mattered much that no vote should be given in which Russia could rejoice. Yet, I do not blame the hon. Member and his party, so much as the right hon. Member for the

University of Oxford and his adherents. I say with regard to them, that their vote on the Turkish Contingent was one of the most unpardonable instances of reckless faction that ever disgusted the people of this country. The hon. and learned Gentleman had entered into considerable detail with regard to the conduct of Lord Clarendon; he would not follow him through all, but he would endeavour to show that the charges against Lord Clarendon were founded on entire misrepresentation. The first topic insisted on by the hon. and learned Gentleman was, that General Williams was sent out without any ostensible character. The fact was that he was sent out with all the ostensible character the English Government could give, and Lord Clarendon left no effort unexhausted to obtain from the Turkish Government the recognition necessary to his efficiency: if that had been obtained the calamities might have been averted. The hon. and learned Gentleman said that, as far as he understood, the quarrel between the Ambassador and General Williams was at an end in March, and that they then had come to an understanding. Even if such was the case, it would have been much to Lord Clarendon's credit that he had succeeded in reconciling two such important public servants. Lord Clarendon saw that a quarrel existed, and did all in his power to reconcile them; but surely that ought not to be a charge against him. The hon. and learned Gentleman had also complained of the rebuke administered to Lord Stratford. What did the hon. and learned Gentleman mean? Did he wish to have Lord Stratford recalled or not? Lord Stratford's abilities were great; his knowledge of the people and the language was unrivalled. He was thoroughly conversant with the peculiar manners of the Court; he held the thread of affairs in his hand, and no Minister in his senses would have attempted to recall him; but it was their duty to show him that the Government was dissatisfied with his apathy, and his hostility to General Williams. Lord Clarendon did so; a long time must have elapsed before any other Minister could have taken a step at a time when every minute was most important. The hon. and learned Gentleman had likewise referred to the question of the removal of the troops; surely no man would have undertaken the responsibility of recalling a single soldier from the main seat of war, Sebastopol, to send him to Asia Minor; no Minister would have so imperilled the main object of the Allies. The hon. and learned Gentleman said Lord Clarendon sent three men and a doctor. What did those three men and the doctor do? Did they not make an heroic resistance? It was much to the credit of Lord Clarendon that he should have chosen such a man as General Williams. History showed how much a single man had done; one man saved Syracuse—one man saved Carthage. "Change Kings, and we will fight the battle over again, was the exclamation of the Irish soldiers at the Boyne." It was impossible to send numerical assistance, so moral support was sent. The names of Lake, and Teesdale, and Thompson would never be forgotten so long as commanding energy and fortitude the most heroic were entitled to respect among men. The hon. and learned Gentleman had next referred to Lord Panmure; but the hon. and learned Gentleman had misquoted him, and represented him to have said that the cause was desperate. Lord Panmure said no such thing; on the 14th of July, he wrote:—

> "Moreover, from all the information which has reached me, I have every reason to believe the army of Batoum to be in a deplorable state. I know the contingent to be scarcely organised; of the Bulgarian troops you can have no knowledge, and I presume that Beatson's Horse are as little reduced to control and discipline as your own troops. In short, I am assured that it would be madness to attempt to succour Brigadier General Williams in this way."

That was very different from saying that General Williams's situation was desperate. The noble Lord the Member for Colchester (Lord J. Manners) blamed Lord Clarendon for having encouraged General Williams to a desperate resistance, but the hon. and learned Member for Enniskillen (Mr. Whiteside) said how pusillanimous it was for Lord Clarendon to recommend him to fall back on Erzeroum. Lord Clarendon never recommended him to fall back; he directed him, if driven from Kars, to retreat to Erzeroum. The hon. and learned Gentleman had talked of the relieving army not having landed at Trebizond: in his (Mr. J. G. Phillimore's) opinion it showed the capacity of Lord Clarendon that he had discovered the proper course. If he was wrong in recommending the Turkish troops to land at Trebizond, he was wrong with General Williams, he was wrong with the Russian commander, General Mouravieff. Dr. Sandwith, in his book, relates that the Russian general smiled when he told them of Omar Pasha having landed at Soukum Kaleh. Omar Pasha was a gallant soldier, but he made a mistake. There could be no doubt that the cowardice of Selim Pasha was the real cause of the fall of Kars. He was surprised to find the noble Lord the Member for Colchester deny this, and he must say he thought the conduct of Lord Stratford and General Mansfield extremely improper in attempting to screen this man; his character was long known. On the 7th of August, 1854, Consul Brandt wrote, "Selim Pasha ran away without fighting." On the 15th of September, 1854, before operations commenced, General Williams wrote—

> "The Mushir does not seem disposed to vindicate the disgrace caused by the cowardly abandonment of Bayazed by Selim Pasha."

On the 22nd of November, 1855, Consul Brandt again wrote—

> "Selim Pasha's character is well known; it makes me fear the Seraskier has no wish of saving from destruction General Williams and his little band of heroes:"

and, in another letter he attributes the surrender to the dilatory proceedings of Omar Pasha and the cowardice of Selim Pasha; and yet Lord Stratford de Redcliffe and General Mansfield attempted to screen this man. Even if at the last moment he had made a proper use of his troops, Kars would have been saved; yet they were told Lord Clarendon was to blame for this capitulation. Lord Clarendon from the first showed a most ardent desire to obtain from the Turkish Government such a recognition of General Williams as would enable him to place the army on a proper footing. The noble Lord the Member for Colchester challenged them to point out any misconduct of Lord Stratford after the early part of last year; it would be easy to do so. There were two points to which General Williams's attention was particularly directed. As early as the 29th of January, 1855, the gallant officer wrote, imploring Lord Stratford to obtain for him the appointment of Ferik, and the other was to obtain for him the control of the supplies of provisions to the army. On the 1st of May he wrote to Lord Stratford—

> "Several weeks ago I addressed your Lordship on this vital point, but I have not received a line in allusion to it."

Notwithstanding all this the hon. and learned Member for Enniskillen asked them to censure Lord Clarendon and acquit Lord Stratford. The hon. and learned Gentleman said, that from the moment the quarrel was at an end Lord Stratford exerted all his influence and all his ability on his behalf. The complaints of General Williams during the siege showed how far that was the case. It was impossible for any officer to be placed in greater difficulties than was General Williams when he first joined the Turkish army. It had just suffered a defeat; although set down at 22,000, it only mustered 14,000; they were without pouches, shoes, or stockings. From that time forward he wrote letter after letter to Lord Stratford without getting an answer, not one word to encourage his efforts, to cheer his prospects, to express sympathy and consolation, for efforts and sacrifices that make every English heart beat high at their perusal, and to assure him that there was a fair prospect they would not be made in vain. That was one of the two points in which he (Mr. Phillimore) contended Lord Stratford's conduct was utterly indefensible. Another thing was this: Why should it be necessary for Lord Clarendon to be continually fighting the battle of General Williams? Why should it have been necessary for General Williams to be continually writing to Lord Clarendon to fight battle after battle? There was evidence of this in every page of the Blue-book. But why should it have been necessary, if the British Minister at Constantinople had done his duty? The question really for them to consider was this: What would have been the effect had General Williams received proper support from the British Ambassador at Constantinople from the time he entered upon his functions of British Commissioner? That was the true question before them; and it was impossible to evade it. Well, then, the Blue-book contained abundant testimony that nothing had been wanting on the part of the Government at home. All that foresight, energy, and industry could do was done by Lord Clarendon; but unfortunately for this country it also contained equal proof that the most obvious duties were neglected by the British Ambassador at Constantinople. He could hardly conceive any situation more interesting than that of General Williams, while the manner in which he acquitted himself in that situation was worthy of the highest admiration. For his own part, he declared there are no passages in the lives of those great men who have been raised up as examples and models to mankind, that he read with more admiration, or dwelt upon with more delight, than those which show them in the circumstances in which General Williams was placed, over-matched by superior strength, surrounded by difficulties, pressed by exigencies, and rising superior to them all, like him, struggling against a thousand adverse circumstances, and like him invincible. Certainly the nation will inquire how it came to pass that, after such unprecedented efforts of valour and endurance, a contest ended in surrender that might have closed in victory. They will ask how it came to pass that they were disappointed in the belief that there would be at least one exception to the fatality which seemed to mar all our efforts, by sea and land, in one of the least glorious wars in which England ever was engaged. If these calamities flowed from the caprice of fortune they must be endured, if even from want of prudence or foresight (though negligence in persons undertaking high functions is criminality) they might be overlooked for the sake of distinguished services by a generous nation; but if it be the effect of perverse malevolence, of supercilious temper, of personal animosity, it ought to be punished by some signal mark of national indignation. Be he who he may, Minister or Magistrate, Governor General or Ambassador, the servant of a free country who has sacrificed a great national interest, to the indulgence of petty resentments and vindictive passion, ought to be taught that the hand of justice is above him. If this be done by the Crown it is well—if not, I tell the hon. and learned Member for Enniskillen, in spite of his strange theories on Constitutional Law, which are so plainly contradicted by the brightest pages of our history, that the Commons of England have duties to perform which are not satisfied by mere expressions of barren regret or unavailing lamentation. It is by the neglect of these duties, by impunity given to such clearly-proved misconduct, that councils incur disgrace—and, as the recent history of France too plainly proves, that Ministers become odious, and that dynasties are overtaken by destruction. And, now, Sir, I would ask the hon. and learned Gentleman, whether he really imagines that he can persuade any body of reasonable men, however decided their political opinions may be, that have carefully perused the papers before us, any assembly in whom party rage has not extinguished all perception of right and wrong, that the fair effects of those papers is to exonerate Lord Stratford from the greatest share of the blame, and to show that Lord Clarendon was comparatively deficient in temper, zeal, intelligence, and industry. If it were possible for this House to pronounce so extravagant a sentence, to give so wild a vote, it would be more disgraceful to those who gave it than to Lord Clarendon—it would recoil upon ourselves. It would be like that disgraceful vote of a factious Parliament, by which Lord Somers and Lord Godolphin were impeached. The hon. and learned Member has stated that the Amendment of which I have given notice, was given for the purpose of enabling Ministers to "ride off." I will not, by bringing forward that Amendment, expose the liberal party, of which I am an humble Member, to such an imputation; much that I desired to accomplish by it has been done in this debate. The House has expressed, in a way not to be mistaken, and which the noble Lord at the head of the Government has not attempted to mitigate, that condemnation of Lord Stratford's conduct, which it was my object to elicit. For the present I am satisfied. I will not allow my Amendment to stand between Ministers and the triumph which they deserve, and which, unless this House is transported by factious violence beyond all bounds of justice they will undoubtedly achieve; neither will I by any act of mine prevent the defeat which they deserve, and will soon undergo, who, while they palliate acts that are indefensible, have brought forward against those who have honourably served their country, accusations which are contradicted by the very papers to which they refer, by the very men with whom they would appear to sympathise, and which they have neither the means, nor, as it would almost appear, the intention seriously to establish.

Mr. KER SEYMER said, he was quite aware that when the two parties were drawn up in hostile array, and the affray had already begun, any one who should interpose between the combatants, and advise them to lay aside their weapons and return home, if not in peace, at least without finishing their battle, might be undertaking a very thankless task. That task, nevertheless, he was himself now about to perform; for he intended to move, as an Amendment to the Motion of the hon. and learned Member for Enniskillen, the omission of the words after the word "Kars," in order to insert the following—

> "It—the House—is of opinion that it is not expedient to offer any judgment on the causes and consequences of the capitulation of that fortress until the House has had an opportunity of considering the terms of the Treaty of Peace and the Protocols of the Conferences recently held at Paris now laid upon the table."

He proposed to enable the House to vote on this Amendment. He entirely concurred in the first part of the Motion of the hon. and learned Gentleman, believing it impossible to estimate too highly the merits of General Williams and his brave associates. Having travelled through the country which was the scene of the war, and held communication with the Turks, perhaps he might be allowed to state a few of the peculiar difficulties that were to be encountered. The amount of peculation among the higher order of Turkish officers was almost incredible, and the difficulties with which General Williams had to contend at Erzeroum and Kars, at the commencement of his career, were nearly inconceivable. The Blue-book showed that one Pasha made £30,000 sterling by robbing the soldiers, for a long period, of a meal of rice twice a week; and another was found drawing rations for nearly 30,000 men, while on the muster-roll only 13,000 or 14,000 actually appeared. The apathy and procrastination of a Turkish official were almost beyond belief. The traveller had to drink the Lord knows how many cups of muddy coffee and smoke an infinite number of pipes before he could get such a personage to proceed to business. When he did get to business he soon grew tired of it, and his answer invariably was, "Please God, we will see about it to-morrow." In fact, there were no bounds to the procrastinations of the Pashas; and their universal maxim was never to do to-day what could be put off till to-morrow. In the face of such apathy, how could the fall of Kars be wondered at? It was disheartening to have to do with such men; yet General Williams was continually in contact with them, and he had an additional source of discouragement in the thought that he had been abandoned by one who ought to have stood firmly by him—the Queen's Ambassador at Constantinople. However the facts of the case might be, appearances were certainly such as to warrant that suspicion; but, amid all their dangers and difficulties, General Williams and his comrades presented a valiant front to the foe, and when the starving garrison was at length compelled to lay down arms and to march captive into the Russian camp, they, though vanquished, had earned for themselves such a meed of glory as few conquerors have the happiness to achieve. The conduct of the Russians was equally honourable to their valour and humanity. Their perseverance in continuing to besiege the fortress after they had sustained a signal defeat was creditable to them as soldiers, while their kindness to those whom the fortune of war had thrown upon their mercy reflected the highest honour on them as men. Their commissariat, too, appeared to have been in a state of efficiency that contrasted very favourably with our own in the Crimea, and that it should have been so at such a season of the year was not a little remarkable, for the severity of the winter in those regions might be inferred from the fact that at Midsummer he had himself seen snow on the hills that overlook Erzeroum. The hon. and learned Member for Leominster (Mr. J. G. Phillimore) had undoubtedly exercised a sound discretion in not pressing an Amendment which contemplated the appointment of a Committee, for in cases like the present little good resulted from such tribunals. We had had a Crimean Committee and a Crimean Commission; and a second Commission was now sitting on the proceedings of the first. The Sebastopol Committee was an inevitable necessity. Public opinion imperatively demanded it, and never did that House more faithfully interpret the feelings of the country than in assenting to its appointment; but the present was not a case of similar urgency. No military operations were now in jeopardy; no army was perishing for want of the necessaries of life, nor were there any considerations of public policy to warrant them in referring the question to the decision of a Committee. The withdrawal of the Amendment was, therefore, a judicious and commendable proceeding on the part of the hon. and learned Member. With regard to Lord Stratford de Redcliffe, his conduct, he must confess, did not admit of defence. It was deeply to be regretted that an infirmity of temper in that able and experienced public servant should have induced him to forget not only what was due to an officer in the position of General Williams, but also what was due to himself as a gentleman—for no gentleman should leave a courteous communication unanswered. At the same time, he was willing to believe that Lord Stratford de Redcliffe was no indifferent spectator of the fall of

Kars, but that, on the contrary, he had been sincerely desirous to avert that calamity. His difficulties, however, were neither few nor trivial. As long as his correspondence with the Sultan's Ministers was carried on by means of writing, he probably succeeded in making himself understood, but when he came to oral communication he was at the mercy of an interpreter, and his language, however earnest and eloquent, must have reached Turkish ears in a very mild and diluted form after being filtered through the oily lips of a Levantine Dragoman. Thus much he would say in justice to Lord Stratford. With respect to the Motion before the House, its introduction could not excite surprise. The loss of Kars was felt to be a disgrace to the country, and it might have had an injurious effect on the operations of the war. But since notice of the Motion had been given there had been a great change in the aspect of public affairs. We were now happily at peace. The treaty, with the protocols of the Conference lately held at Paris, had been laid upon the table, but as yet the House had scarcely had time to glance over those documents. Of the value and import of those great State papers they had not yet had an opportunity of forming an accurate estimate. What effect the fall of Kars had had on the Conferences they were as yet unable to determine. It was conceivable that it might have had no other result than to save the pride of Russia in enabling her to talk of "exchanging" the fallen fortress in Armenia for the ruins of Sebastopol, Kinburn, and Kertch—places which, in all probability, we would not, under any circumstances, have cared to retain. But it might be otherwise. It might turn out that the fall of Kars had had an important influence on the peace, and that, had it not been for that event, we might have obtained better terms. If so the whole question would have to be opened. But, pending these revelations, it was for the House to determine whether there was, on the face of the Blue-book, such an overwhelmning case against the Government as should warrant them in rushing to the conclusion that the calamity was to be attributed to the present occupants of the Treasury bench, and to none besides. Speaking of this important event, General Mansfield, an officer of great experience, had expressed himself as follows—

> "If I may be allowed to offer an opinion on the real cause of the disastrous issue of the Turco-Asiatic campaign, I should say that it must be found in the nature of the alliance, which absorbed all the really available means of action, whether French, British, or Turkish—in the invasion of the Russian soil, to the exclusion of attention to the hostile operation on Turkish territory. The contest pursued in the former required every practicable means to ensure success—perhaps, it may be said, even military safety. The garrison of Kars performed a great duty in arresting the march of the Russian columns till the resources of the Allies could be turned to Asia, either in consequence of a development they had not already reached, or of liberation from the Crimea. Some months since I ventured to predict, in private conversation, that we should have to be satisfied with such an issue of the operations of the last year; and that, assuming the Allies to be prepared to take advantage of what has been thus achieved by the devoted garrison, we should have no reason to be disappointed when viewing the two theatres of war as one comprehensive whole. I have no reason to depart from the opinion then expressed."

There appeared to him to be much good sense in those observations. He could not shut his eyes to the fact that, open the Blue-book where they might, it contained abundant evidence of Turkish procrastination, peculation, and apathy. At the same time, he would not deny that very great energy on the part of the Government might have saved Kars. £50,000 sent direct to General Williams might have had the happy effect, and it was a proceeding which a very zealous Government would, probably, not have hesitated to adopt. What he (Mr. K. Seymer) wished the House to consider was, whether there had been made out a case which called so loudly for condemnation that, before they knew what had been the effect of the capitulation—before they were in a position to consider the whole conduct of the Government in reference to the conclusion of peace—they ought to adopt a vote of censure in the terms proposed by his hon. and learned Friend (Mr. Whiteside). He felt so strongly the propriety of not at that moment adopting such a course, that he should certainly take the sense of the House upon the Amendment he had given notice of.

Amendment proposed, to leave out from the word "Kars" to the end of the Question, in order to add the words—

> "It is of opinion that it is not expedient to offer any judgment on the causes and consequences of the capitulation of that fortress until the House has had an opportunity of considering the terms of the Treaty of Peace, and the Protocols of the Conferences recently held at Paris, now laid upon the table," instead thereof.

Question proposed, "That the words

proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, the elaborate speech in which the hon. and learned Gentleman (Mr. Whiteside) introduced this Motion to the House diverged into so many branches, and adverted to so many subjects, that it is difficult to comprehend it in any general description; but, so far as it dealt with a direct crimination of Her Majesty's Government, it was founded on the assumption that Her Majesty's Government were responsible for the conduct of the war in Asia Minor. If we do not assume that the Government of this country is responsible for the management of the campaign in that country, and for the defence of Kars, all the accusations against the Government contained in the speech of the hon. and learned Gentleman fall to the ground. Sir, if there were the institutions of a free country in Turkey, if such a thing as an Opposition was permitted to exist in a Turkish Divan, and if Lord Panmure filled the office of the Seraskier, and Lord Clarendon that of the Turkish Secretary for Foreign Affairs, the speech of the hon. and learned Gentleman would be perfectly relevant to the question; but it appears to me that that speech was, as directed against Her Majesty's Government, wholly irrelevant. The only way in which the hon. and learned Gentleman was able at all to fix upon Her Majesty's Goverment a responsibility for the defence of Kars was by adverting to their appointment of General Williams as British Commissioner to the Turkish army. Now, Sir, the powers of General Williams were much criticised by the hon. and learned Gentleman. It was said that they were indefinite and insufficient, and that Her Majesty's Government did not obtain for him from the Government of the Porte sufficient authority to enable him to carry out his views. It may be said that the Government erred in interfering at all for the defence of Kars; but they undertook the task because it was their belief that great importance attached to the operations in Asia Minor, and they did all that they could do to assist the Turkish Government to defend that fortress. They deputed as Commissioner to the Turkish army General Williams, as to whose ability, energy, and military capacity no two opinions can exist in this House, or among any body of Englishmen who will read either this Blue-book, or any of the numerous publications in which his conduct is illustrated. For his appointment, therefore, no blame can attach to the Government; nor can they be censured because they did not furnish him with an authority which could emanate only from the Porte. The French Government might, had they pleased, have sent a Commissioner to the Turkish army, but they did not do so. From the first they did not attach so much importance to the operations in Asia Minor as did the Government of this country, and they limited their attention more exclusively to the operations in the Crimea. Nothing, then, can be more unjust, nothing can be less consistent with truth than to impute to Her Majesty's Government any neglect or any oversight with regard to the operations in Asia Minor. All that can be justly said is, that, by doing the utmost which was in their power, appointing a Commissioner to act in concert with the Turkish authorities at Kars, they made themselves apparently responsible for a defence to which they were unable to contribute troops or other efficient assistance. General Williams by being thus sent was placed in no anomalous position as Commissioner to a foreign army. We sent a Commissioner to the French army, who was in constant communication with the French headquarters, while at the same time the French Government sent to our army a Commissioner, who communicated with Lord Raglan, and afterwards with General Simpson. Although the position of these might seem anomalous, and might be subjected to the criticism of the hon. and learned Gentleman, it was precisely similar to that of General Williams, who was also Commissioner with the army of an allied Power.

Circumstances, however, gave to the position of General Williams an importance which that of the other Commissioners did not possess. He was a man of extraordinary energy and practical ability; he found himself acting in concert with Turkish officers who were destitute both of these qualities and of all others, the possession of which was most important to the commanders of a besieged fortress. It was owing to that circumstance that his conduct attracted so much attention, and that he was enabled to assume something like the command of the fortress of Kars, and of the garrison which defended it; and it was this circumstance also which had led the hon. and learned Gentleman to make it appear almost as if Kars was defended by an English army, for the failure of which the English Government was responsible. Now, Sir, nothing could be more remote from the truth or more at variance with fact. From the beginning the English Government, as I have previously stated, attached to the operations in Asia Minor much more importance than was attached to them by our Allies, the Emperor of the French and the King of Sardinia; but we did not think it prudent, acting in concert with our Allies, and looking to the main object of the campaign, to divert our attention from the Crimea. There was great justice in the opinion of the French Government that the Crimea was the principal point to be considered, and that the operations in Asia Minor were of only secondary importance. Yet any one who had listened to the speech of the hon. and learned Gentleman yesterday would have supposed that Asia Minor was the main theatre of operations. He said that Kars was the key of the communication with Constantinople, and if any practical inference was to be drawn from his speech it was that, from the beginning, the war in Asia Minor ought to have been made the primary object; that we ought to have at once withdrawn troops from the Crimea to have carried on the operations in that country, and to have resisted the course of General Mouravieff. Is there the slightest reason, Sir, for acceding to that doctrine of the hon. and learned Gentleman? What are the rules for the conduct of a campaign which have been laid down by the greatest masters of the military art, and have received signal illustration from the practice of Napoleon? Are they not reducible to this single principle—"Strike at the key of your enemy's position; strike at his heart, and let the extremities take care of themselves?" What was the heart? what was the centre of the Russian power in that region? Can anybody doubt that it was Sebastopol, and not Kars? Can anybody doubt that the English and French Governments were perfectly right in making Sebastopol the main object of the campaign; and that if they had weakened the army which besieged that place, before it was taken, they would have sacrificed that object, and would have thrown away the means by which the key of the Russian position was to be taken, in order to fritter away their strength in assaulting outworks? Sir, I cannot conceive that there can be any difference of opinion upon a question, the answer to which is so manifest to all persons who judge either by the reason of the thing, or by the opinions of great military authorities. All the military authorities agree that the main object of the campaign was to take Sebastopol. We had staked our reputation on its capture, and every one remembers that when the negotiations were going on at Vienna last year, both this House and the country were most reluctant that any terms should be accepted while that great stronghold of the Russian power in the Black Sea remained untaken. Her Majesty's Government, therefore, would have neglected their first duty had they withdrawn troops from before Sebastopol for the secondary object of relieving Kars. Upon this policy Her Majesty's Government, in concert with their Ally, the French Emperor, consistently acted; but when Sebastopol was taken a movement was at once made in the direction of Kars. This, however, was unfortunately too late; the place fell, but still the principal object of the campaign had been attained.

I do not wish to go at any length into the question of the comparative advantage of the two roads by Kutais and Erzeroum, of which we heard so much last night. Unfortunately Omar Pasha was not in time to relieve Kars, but the great principle on which the campaign was conducted was nevertheless unimpeachable. The hon. and learned Gentleman says, however, that when General Mouravieff obtained possession of Kars he was master of the road to Constantinople, and all Asia Minor was at his mercy, and he calls upon this House to censure the Government for having allowed him to gain so great a military advantage. But what are the facts? General Mouravieff obtained possession of the road to Constantinople in November last; but what use did he make of it? None whatever. He remained perfectly inactive at Kars, and this great military success was not of the slightest advantage to him. Suppose we had had another campaign this spring, to what use could he have turned his conquest? The road to Kars is much shorter for the French, English, and Turkish Governments than for the Russians. The distance which Russia would have had to move her troops to give the necessary strength to Kars would have been enormous. If the difficulties of land transport decimated the Russian troops before they reached Sebastopol, how much more would they have suffered from the difficulties of a march over the Caucasus! The most easy military operation would have been all that was needed to recapture Kars, to deprive the Russians of this mighty advantage, and to drive them back beyond the Caucasus. Whether we look, therefore, at the probable or the actual result of the fall of Kars, it must be admitted that, in a strategical point of view, it was not of first-rate importance. It was clearly secondary to the capture of Sebastopol, and when that great stronghold fell, the Allies would naturally become masters of all that part of the Russian Empire.

It may be said, however, that the capture of Kars was of great importance in a political point of view. Russia took Kars, it is said, from the Ottoman Empire, and thereby acquired an opportunity of extorting concessions from the Allies which we should not have granted had that town not fallen into her hands. Therefore, it is argued, though it may not be important in a military point of view, in a political point of view it is of the utmost importance. Now, Sir, I shall meet that charge as distinctly as possible. The first plan for the pacification of Europe was digested and reduced to writing at Vienna in the beginning of the month of November by the French Ambassador and the Austrian Minister for Foreign Affairs. Thus sketched out, it was sent to Paris for the consent of the Government of the French Emperor, and it was then transmitted to Her Majesty's Government for their consideration and approbation. It underwent certain alterations here, but in substance the plan proposed by Austria and France to Her Majesty's Government was adopted by them, and may be seen in the protocols now lying on the table, in the shape of the preliminaries of peace which were "initialed" at Vienna. Now, Sir, those preliminaries were originally sketched out before Kars had fallen—at any rate, before any news of its capture could have been received. The House therefore is in possession of a plan of pacification which was agreed to by the three Governments of Austria, France, and England, which was reduced to writing, and which received a definite form, before the capture of Kars was thrown into either scale. That preliminary plan, and the treaty itself, afterwards signed by the Plenipotentiaries at Paris, both lie on the table, and I defy any man on a comparison of the two, item by item, and article by article, to show that the treaty falls short in any respect of the preliminary articles. On the contrary, I maintain with the utmost confidence that the treaty goes beyond the preliminary articles that were agreed upon at Vienna, and that it will be found to contain more conditions favourable to this country, and to impose upon Russia more securities and guarantees for the future tranquillity of Europe. If, therefore, the result of this examination did convince the House, as it must, that the treaty, so far from falling short of the preliminary articles, goes beyond them—if it be the fact that those preliminaries were put into shape without reference to the capture of Kars by the Russians, then, I ask—not only any candid, fair, and honest person, but any man of common reasoning powers—whether it can be said that the capture of Kars had any political effect? I would also ask hon. Gentlemen, after they have had time to read through the protocols laid on the table, to state whether they could find in them any trace of any concession having been made by England or France on account of the capture of Kars? I positively affirm that no such trace can be found, and I deny that any concession was made in consequence of the capture of that place. I assert positively also that the doctrine we held was that from the very beginning the integrity of the Turkish Empire was the principle which was to be asserted by us as the basis on which any pacification was to be consented to. We said that any question relative to the bargaining about Kars was inconsistent with the principle of the integrity of the Turkish Empire, and we would not consent to its being thrown into the scale. Of course, with respect to the temper of the Plenipotentiaries—with respect to any disposition to conciliate which might have been shown in the negotiations, I am ready to admit the frank and straightforward manner in which the representative of Russia gave up the point and did not insist on any equivalent for the cession of Kars. Sir, I have no doubt whatever that that tended to the successful and harmonious result of the negotiations; but what I maintain is, that no person who scrutinises these protocols will be able to find any proof that we made any concession in the way of territory or otherwise in consequence of the capture of Kars by the Russian army. In fact, if hon. Members refer to the treaty of peace, they will find nothing said about equivalents.

We do not say, we restore such and such places, and you restore such and such other places. On the contrary, there is a distinct article—the third, in which the Emperor of Russia cedes the territory of Kars; and, with the permission of the House, I will read it:—

> "Article 3. His Majesty the Emperor of All the Russias engages to restore to His Majesty the Sultan the town and citadel of Kars, as well as the other parts of the Ottoman territory of which the Russian troops are in possession."

Now, Sir, that stands as a distinct article of the treaty, and it is not said that Kars is restored in consideration of any restoration of territory by either France or England. In the first scheme of the treaty, as drawn up, it was proposed to restore those portions of the Russian territory in the Crimea and neighbourhood held by the Allied troops, without the smallest reference to the province of Kars. Well, I think that, unless what I have stated can receive some answer, the House must be satisfied, whether looking to the military or political importance of the capture of Kars, that the speech of the hon. and learned Gentleman (Mr. Whiteside) is full of an exaggeration which no rhetorical ability such as he unquestionably possesses can excuse; and also that it was founded on the pervading fallacy that the English Government, by the simple appointment of a Commissioner, exercising voluntary functions in assisting the commander of the Turkish garrison of Kars, thereby rendered themselves responsible for the issue of the war in Asia Minor.

The noble Lord the Member for Colchester (Lord J. Manners), not confining himself to the question of the responsibility of the English Government for the capture of Kars in consequence of the appointment of General Williams, said, last night, that we had prevented the Turkish Government from taking such steps as they might otherwise have taken for the relief of the place, by our remissness in not furnishing them with advances from the loan, guaranteed by this country and France, and assented to by this House last year. As that is a matter of which I have had some knowledge, perhaps the House will indulge me while I explain what has really taken place with respect to advances of the Turkish Loan. The Bill giving the guarantee of England, in conjunction with that of France, for the Turkish Loan, was passed last Session and received the Royal Assent on the 14th of August. The management of the terms of the Loan was placed by the Government in very competent hands—those of Sir Alexander Spearman, who acted as the Commissioner for the Government on that occasion, the preliminary arrangements being made by the Turkish Ambassador, who had of course the supreme management of the whole transaction. The loan was contracted on the 20th of last August. Of course, I need not tell the House that after the terms of a loan have been arranged an interval is necessarily allowed for the payment of the first instalment. That interval, however, was short in this case, and on the 25th of August 100,000 sovereigns were delivered to the War Department for shipment to Turkey. On the 31st of August another sum of 100,000 sovereigns was delivered for shipment, and on the 8th, 13th, and 15th of September, three other sums of 100,000 sovereigns were severally delivered to the War Department for shipment, making 500,000 sovereigns delivered for shipment to Turkey by the 15th of September. That showed, therefore, that there was no remissness on the part of the Government of this country, as far as they had any share in the matter, their share, indeed, being only secondary. These facts any hon. Gentleman may gather from the Return on the table of the House. Sir, when the French Government agreed with the English Government to give a joint guarantee in respect of the loan of money borrowed on behalf of the Turkish Government, it was made the subject of an express stipulation on the part of the French Government—which was quite willingly acceded to on our part—that the money thus guaranteed should not be paid over at once to the Turkish Government without security that it should be applied for the purposes of the war. It was intended exclusively for assisting Turkey in the conduct of the war in which we were all in common engaged, and there was a strong conviction on the part of the two Governments of France and England that no facilities should be given to the Turkish Government to apply this loan to any other purpose than those strictly connected with the war. It was felt by the Governments of France and England that, as they were taking upon themselves a liability for its payment, they had a right to be satisfied with regard to its due application. I need not say that the financial system of Turkey is that of an Oriental country, and not like the system of civilised countries in Western Europe. Great laxity undoubtedly prevails, as any one may be convinced of who reads the Kars correspondence. The Turkish Government cannot always place confidence in their own agents, but are liable to be deceived and plundered by their own administrative functionaries. It can hardly, then, be disputed that the precaution taken on the part of the French and English Governments, not to give their guarantee unless they were satisfied that the loan would be *banâ fide* applied to the purposes of war, was a reasonable precaution. That being the case, the two Governments each appointed a Commissioner, and the Commissioners were sent to Constantinople in order to arrange, in concert with the Turkish authorities, the securities to be given for the due application of the money to the purposes of the war. This condition was willingly assented to by the Turkish Government, and on the arrival of the Commissioners at Constantinople they drew up a memorandum containing their recommendations, in which they proposed the Turkish Government should acquiesce, with respect to the expenditure of the money, as remitted from time to time. The memorandum embracing these proposals was submitted to the Ambassadors of England and France at Constantinople and approved by them; and, as so approved, was submitted to the Government of the Sultan, being transmitted to one of his Ministers on the 20th of September. The House will therefore see that no unnecessary delay on this point took place. However, no answer was received from the Turkish Government for some time, and after some weeks Fuad Pasha wrote to request an interview with the Commissioners. This interview took place two or three days after the receipt of the application, but not, however, until the 24th of October did the meeting take place. The memorandum was fully discussed, and an agreement was come to on all parts of it with one important exception. The Commissioners thought it their duty to require that some evidence should be given that the money transferred to the Turkish Government should be accounted for in some detailed manner. The Turkish Government pretended that they ought to follow their ordinary practice, which was merely to show that a gross sum had been transferred to the Receiver of the Army, and that that should be accepted as evidence of its application to military purposes. All the evidence that that would have given us, however, of the due application of the funds would have been that they had sent £200,000 or £300,000 to some pasha or person who had charge of the Military Department. That proposal, therefore, did not appear satisfactory, and Fuad Pasha accordingly proposed a further meeting of the Commissioners, in order that they might have the opportunity of examining the Turkish system of accounts. That meeting did not take place immediately. It was postponed by Fuad Pasha on various grounds from day to day, and it never took place until the 24th of November, which was the very day, accidentally, on which the capitulation of Kars took place. I think, therefore, that the House will see, whatever delay may have occurred in the arrangements, with regard to the payment of money to the Turkish troops, that it was in no respect owing to any remissness on the part of the English or French Governments; but that they acted, on the contrary, with the greatest promptitude; that the English Government lost no time in promoting the negotiations for the loan, that their Commissioner gave the most active assistance towards obtaining it, that when obtained it was shipped in English vessels to Constantinople at the earliest period, that Commissioners were sent by the English and French Governments to arrange with the Turkish Government the terms of the expenditure, and that those Commissioners were at their post, and were ready to act. After an unsatisfactory discussion the sum of £500,000 was transferred on the 1st of December to the Turkish Government. On the 17th of December an answer to the memorandum was sent in, containing a general assent to the principles therein laid down, but containing also a full statement of exceptions to its contents. The House will observe that up to this time no specific demand for further advances had been made either to the Commissioners or to the Ambassadors. What I have stated to the House is an exact statement abstracted from the Reports made by the English Commissioner at Constantinople; and I think the House must see that if the money remained locked up at Constantinople, it was owing exclusively to the unwillingness of the Turkish Government to submit to those reasonable precautions for the due application of the money, which in the first instance they had signified their intention to agree to, and not to any remissness on our part, which led to the evil of which the noble Lord (Lord J. Manners) made complaint. I should add, that the memorandum underwent some modifications, and that ultimately as modified it was agreed to in the month of January. The Turkish Government, therefore, had no insuperable objections to those conditions; but the habit of delay and procrastination, which seems to belong to their mode of managing public affairs, was unfortunately exhibited upon that occasion.

The Turkish Government, however, I ought to mention, did obtain advances from the Messrs. Rothschild by means of bills drawn upon them, which were paid in London, £283,000 being paid upon the 21st of September; and two sums for £200,000 and £100,000 respectively, being paid, on the 1st and 3rd of October. In point of fact, therefore, they obtained in that indirect manner a considerable portion of the loan, and were consequently not so destitute of means as the noble Lord the Member for Colchester appeared to imagine. Another expedient for supplying the Turkish Government with money was suggested by the hon. and learned Member for Enniskillen, who said that we might have resorted to a subsidy of £100,000—that Her Majesty's Government would have had no difficulty in raising that sum, and that if in the course of the summer £100,000 had been placed at the disposal of the Turkish Government, it would have enabled them to relieve the garrison of Kars. I do not, Sir, see the hon. and learned Member in his place, and, of course, I do not wish to say anything in his absence that I would not say in his presence. I may observe, however, that the hon. and learned Member, in the course of his speech, dealt largely in vituperative epithets, which he addressed to all persons connected with the Government. Among those vituperative epithets was one which he repeated frequently—the epithet "contemptible." Now, Sir, I cannot but think that, if Her Majesty's Government had come to this House last summer, and had asked for a subsidy of £100,000 to be advanced to the Turkish Government to assist in conducting the campaign in Asia Minor, the word "contemptible," even though not strictly applicable to such a proceeding, would at least unquestionably have been applied to it pretty freely by hon. Gentlemen on the other side of the House. The hon. and learned Member referred in the course of his speech to the example of subsidies in the late war, and he said that in the conduct of the war against Napoleon this country was free with its assistance to the armies of foreign States; that when acting with Austria, Spain, and other countries, we showed no niggardliness in assisting them. I do not wish to go into the general question of the policy of subsidies. I know what strong objections to that policy are entertained in this House. I myself think that it is a policy of very doubtful expediency. At the same time I cannot but feel that during the late war we did unquestionably excite resistance to the power of France, and did furnish ourselves with allies to a great extent by means of our lavish system of subsidies. But, Sir, it was, as I have said, a lavish system, and it involved the advances of large sums of money, which enabled our Allies to bring great armies into the field. We did not send £100,000 only to Austria, or Russia, or Prussia, to enable them to contend against the colossal power of Napoleon, and I cannot but think that it is a gratifying circumstance that the hon. and learned Gentleman, having now the advantage of taking a retrospective in place of a prospective view, has nothing more to tell us than that we ought to have advanced £100,000 to the Turkish Government for the relief of Kars. Supposing that we had agreed to advance £100,000 at the time proposed, we should have taken the same securities, I presume, even for that limited sum, which we have taken for the larger sum which we guaranteed in August last. If we had done so, no doubt we should have been met with the same difficulties in coming to an arrangement as we actually did experience, and probably Kars would have been taken before we had settled in what manner the £100,000 was to be expended. Supposing, however, that those difficulties had been overcome, and that we had said, "We don't care about vouchers or audits; we give you £100,000, and we trust to you to expend it in a proper manner," is there anybody in this House who has read this Blue-book who does not believe that in such a case there would have been the greatest possible danger of that money being intercepted by some pasha, by some fraudulent contractor, or by one of that crowd of harpies who seem to surround the head-quarters of the Turkish army, and who prevent all the supplies of the army reaching their destined channel, and being applied in a *bonâ fide* manner to the purposes for which they were intended? I cannot think, then, either that the noble Lord the Member for Colchester has succeeded in showing that any blame attaches to the British Government with respect to the application of the proceeds of the Turkish loan; or that the suggestion of the hon. and learned Member for Enniskillen (Mr. Whiteside) of a subsidy of £100,000 would have been of the smallest advantage in carrying on the campaign in Asia Minor.

I will now say a few words on the Amendment of the hon. Member for Dorsetshire (Mr. Ker Seymer) who spoke in a tone of so much moderation and good sense. The hon. Gentleman has given the reasons why he is unwilling to support this Motion, and he has moved an Amendment which amounts in fact to moving the previous question, for its effect would be that the House would give the go-by to the Resolution moved by the hon. and learned Member for Enniskillen, and hon. Members would not have the opportunity of pronouncing an opinion, "Aye" or "No," upon it. I cannot omit observing that the Motion of the hon. and learned Gentleman (Mr. Whiteside) has a strong family likeness to a Motion of which notice has been given in another place. The Motion to which I allude is not identical with the hon. and learned Gentleman's in phraseology, but bears so clear a resemblance to it, that the person who prepared the one had evidently the copy of the other before him. I do not know the cause, but making allowance for the difference in the style of composition, the difference between them is exclusively verbal, and in substance they agree. I will read the Motion to the House. On Friday the Earl of Malmesbury was to move in the other House—

> "That, while this House feels it to be a duty to express its admiration of the gallantry of the Turkish garrison and of the self-relying courage of Major-General Sir William Williams and the British officers at the siege of Kars, it feels it equally a duty to declare its conviction that the surrender of that fortress and of the army which defended it—disasters which endangered the safety of Asiatic Turkey and affected our influence in the negotiations for peace—are in a great degree owing to the want of foresight and energy in Her Majesty's Government."

If any one will compare that Motion with the Motion that is now before this House he cannot fail to discern a very close resemblance between the two. I understand, however, that since the commencement of the proceedings of the two Houses of Parliament to-night the other Motion has been abandoned, and that it is not likely that the sense of the other House of Parliament will be taken upon it. But the question has already been made the subject of a direct Motion in this House. The hon. and learned Gentleman has supported it in a speech of great elaboration, full of minute details, fortified by frequent reference to the correspondence presented to the House, and he has called upon the House to pronounce a direct verdict upon his Motion. Her Majesty's Government feel it their duty to meet that Motion with equal directness. They believe that it is altogether unsupported by the evidence laid upon the table. They believe that it has been wholly unsupported by the truth and facts of the case; and they are desirous that the question should be fully and fairly discussed and sifted. They do not shrink from the closest and most jealous scrutiny, and they court the decision of the House upon the Motion as it was originally made. I am not able, therefore, to support the Motion of the hon. Gentleman the Member for Dorsetshire. I quite recognise the conciliatory spirit in which that Motion has been made, but it merely holds out a postponement of the Motion. The hon. Gentleman says, "Let us first examine the treaty of peace and the protocols." I say that they are soon read, that the treaty may soon be examined, that there is nothing to prevent hon. Members from coming to a decision immediately, and that there is no reason why the House should postpone its judgment on this matter. When the hon. and learned Member (Mr. Whiteside) addressed this House for so long a period last evening, he intimated no doubt as to the sufficiency of the evidence to justify him in pronouncing a condemnation of the Government. I say, on the contrary, that there is ample evidence upon which to pronounce an acquittal of the Government. I trust that the decision to which he has referred may be given. I hope that hon. Members will put themselves in a judicial frame of mind, such as beseems this question, and that they will not vote upon this as upon a party Motion; and I feel confident, if that is the case, that this Motion will result in an entire and complete acquittal of the charges brought by the hon. and learned Member against Her Majesty's Government.

Sir JOHN PAKINGTON: Sir, I do not wish to detain the House by going at any length either through the correspondence contained in the Blue-book, or into the complicated question to which it relates. Notwithstanding the speech of the right hon. Gentleman the Chancellor of the Exchequer, I think I may venture to say that the able, and powerful, and eloquent speech of my hon. and learned Friend (Mr. Whiteside) remains yet wholly unanswered. It does, therefore, appear to my mind almost unnecessary and superfluous for any Gentleman on this side of the House to go again over any part of the ground which has been occupied with such signal power and success by my hon. and learned Friend. But there are parts of the speech of the right hon. Gentleman the Chancellor of the Exchequer which I feel it impossible to pass by without some notice and comment. The right hon. Gentleman is the first Member of the Cabinet that has risen to reply to the powerful statement of my hon. and learned Friend, and certainly, although I confess I felt some difficulty and doubt in my attempts to foresee what ground Her Majesty's Government would take on this subject—what means they would take to ward off the charges which have been brought against them, of serious and deep culpability in respect to the one disastrous event in the late war—namely, the fall of Kars—I never did for a moment suppose that any Member of the Government would take the extraordinary line which has now been taken by the right hon. Gentleman. Sir, there was one passage in the speech of the Chancellor of the Exchequer in which I am happy to say in the outset I cordially concur with the right hon. Gentleman—I allude to that just and well-merited tribute which he paid in terms not warmer than is deserved to the admirable conduct and bravery of the gallant officer, General Williams. Nor let this praise be confined only to General Williams, for every Englishman who took part in that memorable but disastrous siege is fully entitled to the deep and lasting gratitude of this country. My hon. and learned Friend last night alluded to the fact that the only contribution which the Government had sent towards the defence of Kars were four officers and a doctor. I confess, Sir, I feel some regret at the terms which my hon. and learned Friend here used. When my hon. and learned Friend alluded to the merits of General Williams, we should recollect the no less merited distinctions of Colonel Lake, Mr. Teesdale, and the other officers by whom he was surrounded. When he spoke of the four Englishmen who had deserved well of their countrymen in the affair of Kars, a right hon. Friend near me and myself whispered to my hon. and learned Friend that there were five Englishmen who well deserved our praise and approbation. My hon. and learned Friend misunderstood us, and made a reference to the secretary of General Williams. But the fifth Englishman to whom I was desirous of doing justice, was Dr. Sandwith. Sir, I am sure that the House will feel with me, that in paying a just tribute to those admirable men who bore so heroic a part in the defence of Kars, no slight merit is due to Dr. Sandwith, and I am happy now to bear my humble tribute of admiration to the generous conduct of General Mouravieff, in at once liberating Dr. Sandwith, in consequence of the praiseworthy manner in which he had devoted himself to the care of the Russian prisoners. I am sure that every one who hears me, who has the good fortune like myself of having made the acquaintance of Dr. Sandwith, must be struck with the modesty, intelligence, and good feeling with which this gentleman refers to that memorable and disastrous siege.

Now, Sir, let me turn to the other parts of the speech of the Chancellor of the Exchequer, in which he took some pains to explain the extraordinary fact, that no payment of the Turkish loan was made to Turkey until the month of December. The right hon. Gentleman also adverted, as perhaps, under the circumstances, it was natural for him to do, to the fact that the party sitting on this side of the House had expressed last year their strong disapprobation of the policy of the Turkish loan. Now, Sir, although we certainly did express our doubts of the policy of a loan which dealt with millions of the public money, I do not think that that fact at all precludes us now from stating our opinion as to the management of that loan. The time chosen by the Government for effecting that loan was, like every other measure of the Government in relation to the war, too late. Without entering into the policy of raising large loans of money for Turkey, we are of opinion that the judicious expenditure of a sum of £50,000 or £100,000, placed in the hands of General Williams, might have enabled that gallant officer to avert the misfortunes which had happened, and might have saved Kars from falling into the hands of the Russians.

I would not have adverted to this point had it not been for what has fallen from the right hon. Gentleman, although it gives me an additional reason for holding the Government culpable for the fall of Kars. The right hon. Gentleman, to my great surprise, devoted much of his speech to prove that the capture of Kars had no influence upon the terms of peace, and he read certain passages from the papers which were laid on the table this morning with the view of establishing that position. Now, in answer to that part of his speech, I will only say that I will not allow the right hon. Gentleman by such references to draw me into a premature discussion of the terms of the peace. That, Sir, is not the question before us. When the right hon. Gentleman made reference to the protocols laid upon the table this morning, he must have felt that we are not discussing the question how far the fall of Kars had influenced the terms of peace. The right hon. Gentleman, however, will find it difficult to persuade the House or the country that the terms of the peace just concluded have not been influenced by the unfortunate disaster of the fall of Kars. That portion of the speech of the right hon. Gentleman which has induced me to rise at this period of the discussion, and which I cannot refer to without astonishment and the strongest possible dissent, is that extraordinary declaration which he made when he said that the Government were not in any respect responsible for the defence or the fall of Kars, and that it would be inconsistent with truth to attribute to them any oversight in the affairs of Asia. Sir, I took down the words of the right hon. Gentleman as he spoke them, and they were these, "No blame can attach to Her Majesty's Government if the fortress of Kars were not properly defended. We were not responsible." And again he said, "It would be inconsistent with truth to attribute to the Government any oversight with respect to the affairs of Asia." Now, it appears to me—and I am sure the House will agree in the statement, that almost every line of the Blue-book contradicts that extraordinary statement. I need not go further than the instructions given to General Williams in the very first page of this book. I will read the concluding passage of the second instructions, sent by Lord Clarendon on the 2nd of August—

> "You will have learnt from Mr. Consul Brandt's despatches the state of disorganisation in which the Turkish army in Asia has for a long time been, and it will be your first duty to endeavour, by all means at your disposal, to ameliorate its condition; and as it may be necessary, with a view to that object, to call the immediate attention of the Porte to matters connected with the state of the Asiatic army, communications in regard to which will not admit of being delayed for previous reference to Lord Raglan in the Crimea, you will be authorised in his Lordship's absence in that quarter to communicate, under such circumstances, directly with Her Majesty's Ambassador at Constantinople, taking care, however, to apprise Lord Raglan, with as little delay as possible, of the representations you have submitted to Her Majesty's Ambassador for the consideration of the Porte, and transmitting to his Lordship copies of your despatches to Lord Stratford de Redcliffe, and of his Excellency's replies."

Now, Sir, I rely upon every word of the instructions given to General Williams, as well as upon the hypothesis of the right hon. Gentleman himself, to prove that Her Majesty's Government were responsible for the defence of Kars. I want to know how the right hon. Gentleman will account for the instructions that were given—of the reports that were to be sent to Lord Raglan, to our Ambassador at Constantinople, and to Lord Clarendon. With what objects were all those reports to be sent? With what object was the Secretary of State to urge upon the Minister at Constantinople to interfere in respect to General Williams? How are we to account for the whole conduct of the Government in connection with the war in Asia, except upon the ground that the Government should make themselves responsible in a great degree for all the transactions of that war? Her Majesty's Government evidently felt that they were acting as the allies of Turkey; that they had undertaken the guidance of the war, and that they would be held responsible in Turkey and throughout this country and Europe for the good conduct and management of the war. One of the arguments of the right hon. Gentleman was, that, after all, the defence of Kars was comparatively unimportant, and that the main interest of the war was centred in Sebastopol. The right hon. Gentleman said that Sebastopol was the central point of Russian power, and he used the expression that one of the best known maxims in war was to strike at the heart, and to leave the extremities to take care of themselves. Well, but if Kars and Erzeroum were taken, what was to prevent the Russian forces marching on Constantinople? Was Constantinople the heart, or one of the extremities, of the Turkish Empire? I confess I never heard a speech with greater astonishment than this of the right hon. Gentleman, in which he says we must strike at the heart and not at the extremities, and that, therefore, the important fortress of Kars, the outwork of the Turkish Empire in Asia, was not important, because he considered it was one of the extremities. Why, it was the direct route by which the Russian forces could traverse the whole of Asia, and could approach the Bosphorus itself.

The whole argument of the right hon. Gentleman was to exonerate the Government from the culpability which attaches to them on account of the fall of Kars. It seems to prove to me that the right hon. Gentleman felt the conduct of the Government in this matter to be so involved that it was only by denying their responsibility—by trying to throw off from their shoulders the burden which they knew they had to bear—they could hope to avoid the censure of the country for the manner in which they had conducted the war. I will not detain the House by going through the whole of this extensive case, and shall, therefore, not touch upon that point which has been so much spoken of—namely, the conduct of Lord Stratford de Redcliffe towards General Williams. That conduct has been much censured both here and out of doors, and has formed the subject of a large portion of the able speech of my hon. and learned Friend. On that portion of the subject I will only say that I will not attempt to vindicate the conduct of the noble Lord in neglecting General Williams to the extent he did. I have no doubt that the effect of Lord Stratford de Redcliffe's conduct was very much to impair the position and to diminish the power of usefulness of General Williams. I have no doubt, Sir, that General Williams felt himself much weakened by the want of support which he had a right to expect from the English Ambassador at Constantinople. But at the same time, however, I feel myself bound in truth to say I am not of opinion that the conduct of Lord Stratford de Redcliffe to General Williams, although I think it objectionable, had any material effect in causing the fall of Kars. I think that the fall of Kars is to be attributed in justice and truth to the subsequent conduct of the Government, and I think I can show to the House by a brief reference to only two despatches—first of all, that the right hon. Gentleman is left wholly without any justification for his statement that the Government had assumed no responsibility in regard to Kars; and secondly, that the fall of Kars is not to be attributed, as the hon. Member for Dorsetshire (Mr. Ker Seymer) said, to the unfortunate corruption of the Turkish Pasha, but that the main cause of it was the vacillation and want of vigour and prudence on the part of the Ministry in England. I will first of all refer to the despatch written by Lord Clarendon to Lord Stratford de Redcliffe on the 13th of July, and then the answer to that despatch written by Lord Stratford de Redcliffe on the 30th of July. In adverting to the despatch of Lord Clarendon of the 13th of July, I must, of course, refer to two very important and able despatches written by Lord Stratford de Redcliffe on the 28th and 30th of June, to which the despatch of Lord Clarendon on the 13th of July was an answer. In those two despatches of the 28th and 30th of June, Lord Stratford de Redcliffe brings before the Government, in the strongest and clearest terms, the alarm which had arisen at Constantinople in consequence of the increasing difficulties of the garrison of Kars, and he submits to the Government the proposal of a plan arranged at Constantinople for the relief of that fortress. Now, I must beg the House to bear in mind this sentence of Lord Stratford de Redcliffe—

> "On the other hand, there is ample evidence of a necessity, which must be met at no small risk, and with more or less of sacrifice."

Throughout this part of the correspondence there is no fault to be found with Lord Stratford de Redcliffe. Whatever were his omissions, he here certainly urges the Government in England, by every consideration which could affect the policy of this country, to lose no time in sending relief to Kars; and he also urges them to take proper measures for relieving the anxiety of the Porte in regard to the pending fate of Kars. Lord Stratford de Redcliffe, in the same despatch, writes the passage to which I have referred, and then states—

> "The Turkish Ministers have invited me to meet in Conference on the subject, and the circumstances are too urgent for me to decline the invitation.
>
> "My next Report will inform your Lordship of the result; I am, meanwhile, anxious to apprise Her Majesty's Government of the situation without loss of time."

The next despatch to which I wish to refer is that of the 30th of June, which states the result of the Conference. I beg to call the attention of the House to a particular message in this despatch, which bears upon the important matter connected with the charge preferred against the Government. Lord Stratford de Redcliffe writes thus :—

> "It was clear to all present that whether the Russians besieged or burnt Kars, the Turkish army required an effort to be made for its relief with all practicable despatch, and that of three possible modes of acting for that purpose the only one likely to prove effective was an expedition by Kutais into Georgia. To send reinforcements by Trebizond would be at best a palliative."

The despatch then goes on to state the way in which the Porte proposed to raise the necessary forces, &c. It says—

> "These several forces, completed according to the figures, would present a total of 44,000 men, not perhaps to be reckoned with prudence at more than 36,000 effectives."

A portion of the army—namely, 10,000 men—were to be the British Contingent under General Vivian, who was to have the command of that force, and whose conduct throughout the whole affair, according to these papers, appears to me worthy of the highest credit.

Now, this leads me to comment upon a misstatement which, I think, was made by the hon. and learned Gentleman the Attorney General last night in his reply to the speech of my hon. and learned Friend (Mr. Whiteside). The Attorney General said that the French Government had objected to the recommendations contained in this Turkish plan. Whether this be the case or not I cannot pretend to say; but this Blue-book contains no evidence of the French Government having expressed any opinion whatever upon the Turkish plan. The plan to which the French Government expressed objection was a subsequent plan; a part of which was, that the Turkish troops in the Crimea should be withdrawn from the Crimea, for the purpose of being sent to Kars, and that plan was equally objected to by the English officers. They stated two grounds of objection: the first was that General Vivian's Contingent was not sufficiently disciplined to enter upon such a service; the second was, that they thought the right way to relieve Kars was by way of Trebizond and Erzeroum, and not by way of Redout-Kaleh and Kutais. I will now call your attention to the first of those two despatches, the one which chiefly establishes the charge against the Government—namely, that the fall of Kars was to be fairly charged upon the conduct of Her Majesty's Ministers. General Vivian made no objection to this plan; he only made the very proper condition that there should be provided sufficient means of transport; and certainly I do not think that the Government can with justice claim the opinion expressed by General Vivian as supporting their views; on the contrary, his language was that which any British officer of spirit and experience would have held. Now, what was the reply of Lord Clarendon, written on the 13th of July, to this proposal? My hon. and learned Friend (Mr. Whiteside) last night spoke in strong words of this despatch, and I will not reiterate the arguments which he employed. My hon. and learned Friend, quoting the words of the noble Lord the Member for the City of London (Lord J. Russell), reminded Her Majesty's Government that the Prime Minister must be held responsible for all Government despatches. Now I must say that this despatch written by Lord Clarendon to Lord Stratford de Redcliffe is one of which the Government ought really to be ashamed. I have no desire to speak with the least disrespect of Lord Clarendon. Nay more, Sir, I am quite willing to admit that many of that noble Lord's despatches as Foreign Minister—many even in this book—are written in a spirit and style which do him much honour; but I cannot say that of this despatch before me. I think, Sir, it is no credit to the Government, and that the spirit in which it is written is utterly unworthy of the subject of which it treats. In this despatch the noble Earl seems to have invented every imaginable ground of despair for the purpose of rejecting the only plan that had been devised by the Porte for the relief of Kars. It says:—

> "The plan proposed by the Porte for the relief of the Turkish army at Kars, as sketched out in your Excellency's despatches of the 30th of June and 1st instant, has been attentively considered by Her Majesty's Government; and I have to state to your Excellency that it appears to be objectionable for the following reasons :—
>
> "It would be in the greatest degree imprudent to throw on an unwholesome coast, without means of land transport, without any certainty of provisions, without an assured communication with the rear, without an accurate knowledge of the country to be traversed, or the strength of the enemy to be encountered, and with the probability of a hostile population, 40,000 men, hurriedly collected from various quarters, imperfectly disciplined, doubtfully armed and equipped, and as yet unorganised, and to expose them at once to all the hazards and difficulties of a campaign against a Russian army."

Why, Sir, I assert that the greatest part of these dangers are mere assumptions on the part of Her Majesty's Government. There is no proof whatever that these dangers existed. The Government assumes that there is a want of transport—they assume that there would be no certainty of provisions—they assume that there would be no means of communication with the rear—they assume that there would be, on the part of those commanding the expedition, no knowledge of the country to be traversed. Why, Sir, if there be one thing more remarkable than another in those despatches, it is the evidence they afford of the total ignorance of Her Majesty's Government of the nature of the country through which it was proposed to send these troops. To what else than that ignorance can be ascribed the Government's obstinate preference of the Trebizond route to Kars to that by Redout-Kaleh? They saw on some soiled map that Tiflis, Erzeroum, and Trebizond formed a triangle, and starting at Trebizond, they concluded that it was just as easy to go one way as the other, without really considering the difficulties which the country by this route would have presented. I cannot see any other way by which to account for their perseverance in favour of the Trebizond route. But I cannot imagine why, because they wanted knowledge themselves with respect to the country, they should have assumed an equal want of knowledge on the part of the troops and their commanders.

Let me now, Sir, speak of another sentence in this despatch; for I think it is without exception the most trifling and most unworthy sentence that I ever read in the despatch of a British Minister. Lord Clarendon writes—"They would fall ill between Redout-Kaleh and Kutais, and be defeated between Kutais and Tiflis." That, Sir, is one of the most extraordinary attempts at prophesy that any Minister ever attempted to indulge in. I think, Sir, that I am not going too far when I say that it was trifling and unworthy of a Government in Downing Street to undertake to prophecy where the Turkish army would "fall ill," and further to prophesy—not where the enemy would give them battle, not where they would have a chance of victory—but where they would be defeated. Really, Sir, if it had been the object of the Government to dispirit the efforts of the Turks, to prevent them from maintaining anything like the spirit necessary to meet the emergency that had arisen, I cannot imagine any language better calculated to effect that object than that which I have just read to the House. Having conjured up every difficulty that could be imagined —having assumed facts of which they had no knowledge—the Government then undertakes to prophesy that sickness would fall upon the army; and, next, to foretell where that army would—not, as I before observed, meet the enemy with the hope of triumphing over him, but meet him to be themselves to a certainty defeated. Sir, with respect to the rest of that despatch I shall refrain from making any comment. Those portions of the despatch having reference to what General Williams was to do in case of a difficulty—to his falling back upon Erzeroum and then on Trebizond—were commented on so well and so ably by my hon. and learned Friend last night, that it would be idle in me to enlarge on that topic. I shall now advert, Sir, for one moment to the reply which Lord Stratford de Redcliffe sent to that despatch; for I think it is one of the severest and most condemnatory despatches which any Government ever received from one of their own agents. The despatch addressed by Lord Stratford de Redcliffe to Lord Clarendon on the 30th of July last commences thus:—

> "The unfavourable judgment passed by Her Majesty's Government on the plans which have been lately under discussion, with a view to the relief of the Sultan's army at Kars, has naturally increased the Porte's embarrassment. It was my duty to make it known to the Turkish Ministers, not only as an opinion, but, with respect to General Vivian's Contingent, as a veto. A most serious dilemma is the immediate result. Her Majesty's Government not only withhold the contingent, but express a decided preference for the alternative of sending reinforcements to Erzeroum by the way of Trebizond. This opinion is not adopted by the Porte, or indeed by any official or personal authority here. The Seraskier, Omar Pasha, General Guyon, our own officers, as far as I have means of knowing, agree with the Porte and the French Embassy in preferring a diversion on the side of Redout-Kaleh, as offering better chances of success, supposing, of course, that the necessary means of transport, supply and other indispensable wants can be sufficiently provided. France is at the same time decidedly adverse to any diminution of force in the Crimea; and Omar Pasha, ready to place himself at the head of an Asiatic expedition, requires for that purpose a part of the troops now there."

What, Sir, does Lord Stratford de Redcliffe add to these words? He says—

> "Such being the present state of the case, I am precluded from contributing to the Porte's

extrication from its difficulties, otherwise than by countenancing some new location of the contingent, which, without exposing the corps to a premature trial, might enable a force of the same amount to be detached for service elsewhere. No final decision has yet been taken by the Porte. My colleague the French Ambassador has written for General Pelissier's opinion, and Omar Pasha is still in attendance on his Government."

These, Sir, are despairing words. ["Hear, hear!"]. I can really speak of them in no other terms than as despairing words. The despatch ends in these words—words so eloquently alluded to by my hon. and learned Friend last night:—

> "Meanwhile the advices from Kars are not encouraging, and time of precious value is unavoidably wasted in doubt and uncertainty."

Sir, I rely upon those two despatches to prove the case made by my hon. and learned Friend. In my opinion, Sir, those two despatches distinctly show that Her Majesty's Government were the parties who really caused the loss of Kars. It is true they afterwards changed their minds—it is true that they afterwards consented to a diversion being made by an attack on Georgia; but when was that? Not for more than two months after the occurrences to which I have just been alluding—not for more than two months after they had rejected the organised plan of the Porte—a plan approved of by the Sultan and his Ministers—approved of by the French and English Ambassadors—approved of by all the military authorities. In two months after they had taken upon themselves this active responsibility, they changed their minds, and consented to an attack on Georgia. But it was then too late. Let me, Sir, ask the House whether I am right or wrong in charging the Government with responsibility in this affair? Let me ask whether it be possible for the right hon. Gentleman the Chancellor of the Exchequer, in the face of the despatches which I have just read, to contend that Her Majesty's Government are in no degree responsible in regard to the measures taken for the defence of Kars, or for the conduct and support of the Turkish army in Asia. Sir, after this language on the part of the Government—after they took upon themselves the responsibility of distinctly refusing permission for the carrying out of the plan of operations which had emanated from the Porte, and was concurred in by Ambassadors, the military officers, and every one else at Constantinople—after writing by telegraph that that plan of relieving Kars was disapproved of by them—I do not understand how it is possible for Her Majesty's Government, when a charge like this is brought against them, to say that they were not responsible for the defence of Kars—that it was an affair of the Turks—one in which they were in no way mixed up, and for the results of which they are not in any manner responsible.

There is, Sir, one other point to which I shall for a moment advert, that is, the language of Lord Panmure in speaking of that very plan of operations. In that noble Lord's despatch to General Vivian, dated the 14th July, 1855, Lord Panmure, alluding to that plan, says:—

> "I place such reliance on your professional ability, that I feel no anxiety lest you should undertake any expedition of a nature so wild and ill-digested as that contemplated by the Porte."

In another part of the same despatch, his Lordship characterises this plan as "madness." Now, the House is aware, that at the very moment when this despatch of Lord Panmure was being sent off to General Vivian, Lord Stratford de Redcliffe was forwarding to this country General Vivian's statement, that he "did not entertain any doubt of the success of the plan, providing that sufficient arrangements were made for carrying it out." This was the plan that Lord Panmure was at the same moment condemning as "ill-digested" and "mad." Sir, there is only one other point to which I beg to advert, because the right hon. Gentleman the Chancellor of the Exchequer alluded to it in his speech this evening, in a manner that has caused me considerable amazement. The right hon. Gentleman in alluding to the peculiar partiality of Her Majesty's Government to the Trebizond route, said, "I do not mean to go into the question of the comparative advantages of two roads."—[The CHANCELLOR of the EXCHEQUER: I said the two roads.] I am quite willing to accept the correction. The right hon. Gentleman said, he would not go into the comparative advantages of the two roads. Why, Sir, the question of saving Kars turned on the comparative advantages of "the two roads." I was quite astonished last night to hear the hon. and learned Attorney General say, that there was high authority in favour of the Trebizond road, and that General Williams approved of it. I was equally astonished to hear the right hon. and learned Lord Advocate state, that that road by way of Trebizond was perfectly good for artillery, and that every military man knew it. I beg to assure my right hon. and learned Friend that I have every respect for him; but when I heard that statement, I must say that I thought it the most audacious statement that I ever heard put forward in any debate in this House. I suppose my right hon. and learned Friend feels that when pleading a cause, he is at liberty to say anything, otherwise I rather think it may well be suggested that the right hon. and learned Gentleman living in London could not have been as good a judge of that matter as the Turkish Ministers. I rather think, too, it will be admitted that General Williams ought to be some authority on the subject. I believe that Omar Pasha ought to be the same; and he, in the strongest terms, states that the Trebizond road is totally unfit for artillery; that so far from being fit for artillery, it was in so bad a state, that two or three months would be consumed before it would be possible to relieve Kars by that route. He says, "It is not possible to relieve Kars by way of Trebizond." Let me now show you that the hon. and learned Attorney General was not justified in attempting to make the House believe that General Williams was entirely in favour of Kars being relieved by way of Trebizond. I beg to call the attention of the House to the fact, that on the 10th of August, General Williams uses these words in writing to Lord Stratford de Redcliffe:—

> "I trust the Allies will, by a prompt diversion in Georgia, oblige General Mouravieff to retire; otherwise, nothing can save Kars from falling into his hands."

Sir, how is it possible to contend in the face of that language, that General Williams was in favour of relieving Kars by way of Trebizond? Again, in October, General Williams writes:—

> "Under these circumstances, I address these few lines to your Lordship, with a hope that such representations may be instantly made to General Omar, to act with vigour and decision against Georgia; otherwise, in spite of our brilliant victory, we must ultimately fall into the enemy's hands."

Sir, I felt it my duty, in consequence of the speech of the right hon. Gentleman opposite, to direct the attention of the House to those facts; and I hope I have succeeded in satisfying the House that he was not justified in assuming that Her Majesty's Government were not responsible for the events of the war in Asia Minor, and particularly for the occurrences that took place at Kars. I maintain that they made themselves responsible. I maintain that by the despatches they themselves wrote they assumed a responsibility. I believe, Sir, that by the directions they gave, and the course they adopted, they have rendered themselves responsible for that disastrous event which casts a stain and a shade over the operations of the army engaged in sustaining the cause of the Allies in Asia Minor; and believing that, Sir, I shall give my support to the Motion of my hon. and learned Friend the Member for Enniskillen.

MR. LAYARD said, he must claim the indulgence of the House for a short time while he endeavoured to place the facts before them in such a manner that they might be able to form a clear judgment upon the question at issue. He would not detain them longer than was necessary, for he thought it was too much the habit of that House to spend too much time in words and too little in acts. A Resolution had been moved by the hon. and learned Member for Enniskillen (Mr. Whiteside) in a most able and vigorous speech, and the Government had certainly been very strongly attacked. On the other hand, he must confess that the speeches he had heard from the Treasury bench had been somewhat weak, and had almost converted him in an opposite direction. He thought it a pity that the cause of the Government had been intrusted last night to a lawyer who had not quite got up his brief, and he (Mr. Layard) would venture very humbly to say that he believed he could have made a much better defence for the Government, although it was not his habit to speak in favour of right hon. Gentlemen on the Treasury bench. He would, however, endeavour to take a little away from the stronger element, and to add a little to the weaker side, and he thought that by that proceeding he might be able to remove some of that mystification in which the question before them was at present involved. He might remind the House that, not one year ago, not two years ago, but even three years ago, he ventured more than once to claim their attention to the events which were passing in Asia Minor. Indeed, he did so as often as he could without running the risk of obtaining in the House the very unpopular character of a "bore;" but the subject appeared to him of such extreme importance that, in urging it upon the consideration of the House and the Government, he was closely upon the point of becoming a "bore." He had always regarded the condition of Asia Minor as a matter of the utmost importance, for two reasons: on the European side Turkey, although certainly exposed to attack by Russia, could be protected by her Allies, and even by an empire which, although not actually her ally, would have been sorry enough to see Russia within the Turkish territory—he meant Austria. On the Asiatic frontier, however, Turkey was completely exposed. She had on that side neither allies nor friends, but she was confronted by a Christian population, which could easily be acted upon by Russia, and which might become a very formidable element in sustaining a Russian invasion. The army of Turkey in Asia Minor was disorganised, it was badly officered, and the troops were greatly in arrear of pay. Unfortunate divisions had also sprung up between some of the commanders, and, among others, between General Guyon and a Polish officer in the Turkish service. He (Mr. Layard) was glad, in mentioning the name of General Guyon, to have the opportunity of paying a tribute of admiration to the great talent, experience, and skill of that gallant officer. He had seen letters in the handwriting of General Guyon written many months ago, predicting what would happen in Asia Minor; and if he (Mr. Layard) had not known that they had been written so long ago he would have supposed they had been written within a few days, so accurately did they describe the present state of the country. If that frontier had been defended, the mountain passes might have been held without difficulty, and the Koordish tribes would have furnished a valuable body of light troops, both cavalry and infantry, who would have been formidable opponents to the Russian cavalry, which played so important a part in the operations of the campaign. In that direction Turkey and her Allies could, if it had been deemed necessary, have acted upon a country lately subdued by Russia, which, moreover, was not favourable to her rule, and the population of which might easily have been induced to rise against their conquerors. He (Mr. Layard) had always thought from the very commencement of the war that operations might have been conducted in that quarter with great effect, and he had not yet seen anything to cause him to change his opinion. He did not, however, go the length of some hon. Gentlemen opposite, who held that if Kars had been taken the road of the Russians to Constantinople would have been open. Any military man would at once see that that was not the Russian plan of march to Constantinople. The Russians had a far safer system of operations before them. What Russia would have done, would have been to occupy the plateau, and conquering to the south, they would have obtained a large tract of territory, which would have been in their hands a material guarantee, and a set-off against conquests on the part of the Allies in Europe or elsewhere. He felt strongly the importance of energetic operations in Asia Minor on account of the opinions he had sometimes heard expressed in that House, that our Indian territories might easily be invaded by Russia. He regarded the expression of such sentiments in that House as most impolitic and most imprudent. There was no doubt that, if the Russians had gained any signal success on the Asiatic frontier, they might have created a state of things in Central Asia which might have been very formidable to the Indian Government. He thought, however, that it was unwise to bring forward such topics in that House—first, because, in the present state of affairs, he did not believe there was any ground for apprehension; and, secondly, because the agitation of the subject gave European Powers a continual excuse for saying—"We will not do anything in Asia, for this is a question merely affecting the dominion of England." He had been very much astonished to hear the right hon. Gentleman the Chancellor of the Exchequer say, that the fall of Kars was not important politically. Why he (Mr. Layard) could not imagine a political question of more importance than such a success on the part of Russia on the frontiers of Asia Minor. The fall of Kars in itself might not be of paramount importance, but he believed that the effects of the success of the Russians on that occasion would be felt long after the memory of this war had passed away. It would long be remembered by those wild and barbarous tribes inhabiting countries which bordered upon our Indian territories, and who were the constant causes of annoyance and alarm to the Indian Government. General Williams had undoubtedly been treated with great kindness by the Russian Government, because that policy suited their interest. He had no doubt that

General Williams would be paraded through the whole of Georgia and Russia, not with the least view of causing him pain, but to show that an English general had been taken prisoner. Eastern nations would naturally associate the capture of an officer of such rank with a Russian victory. The fall of Kars, however, he asserted, was no victory, it was the result of starvation; but Asiatic tribes could not draw that distinction, and seeing General Williams thus paraded they would naturally suppose that a victory had been gained over England. He (Mr. Layard) had called the attention of the House to this question two and three years ago. He appealed to hon. Gentlemen opposite to assist him; but did they do so? That was a moment when something might have been done. They might have compelled Her Majesty's Government to say to France, "The House of Commons requires us to adopt this line of action; the country expresses a strong opinion on the subject; and whether it is satisfactory to you or not, this is the policy we must pursue." He thought the Emperor of the French was far too well acquainted with the constitution and manners of this country, and with the influence of public opinion, not to have listened to that argument. He, however, appealed in vain for support to hon. Gentlemen opposite, yet the hon. and learned Member for Enniskillen came down and made a war speech. If he might be allowed a common simile, the position of an independent Member was like that of a dog in a race-course; he was shouted at by both parties, but when the race was coming off, lest he should trip up a favourite horse, some one whistled him inside the ropes. With the single exception of Lord Ellenborough, in another place, he had never heard a word about Kars from Gentlemen on the other side, when he (Mr. Layard) spoke in reference to that fortress. The hon. and learned Gentleman (Mr. Whiteside) had now made an admirable speech. But why did he not, two years ago, point out all those facts? He was afraid there was a greater desire in some quarters rather to beat the Government than to beat the Russians. Now of the two he preferred beating the Russians. The hon. and learned Gentleman had made a very admirable war speech, showing how Russia commanded Khoa, how she could intercept the commerce of Great Britain at the fall of the Araxes into the Caspian; and how Persia, owing a great debt to Russia, might be brought to the side of that Power. Had those evils been put an end to by the treaty? Would the hon. and learned Member support him in objecting to the treaty of peace on that ground? If those things were so perilous at the beginning of the war, they were surely just as perilous now, when Russia held exactly the same position with regard to Persia as she did three years ago. The hon. and learned Gentleman divided his speech into three parts, but the second was very much longer than the other two parts put together. The second part was an attack, not upon the present, but upon the late, Government of Lord Aberdeen, and that was really the strongest part of the case. He could have understood if the hon. and learned Gentleman had said—"I make this attack now because Lord Clarendon, who was the Foreign Minister of Lord Aberdeen, is still the Foreign Minister of Lord Palmerston;" but the hon. and learned Gentleman carefully cut the ground from under his own feet by saying, "When I speak of Lord Clarendon, I do not mean Lord Clarendon, but Lord Palmerston, as all these despatches were sanctioned and read in Council." The principal charge against the present Government was, that Lord Stratford de Redcliffe was continued at Constantinople after what was termed his misconduct. But hon. Members should recollect that all the misconduct took place before Lord Aberdeen retired from office. The reconciliation and the celebrated despatch of the 8th of December were before Lord Aberdeen went out, and the hon. and learned Gentleman demonstrated that since the reconciliation Lord Stratford had conducted himself with the utmost propriety, and had rendered the greatest service to the country—in fact, that Lord Stratford had done everything, and the present Government had done nothing. He (Mr. Layard) felt some difficulty in speaking of Lord Stratford. He was in a somewhat delicate position. He owed Lord Stratford a great deal. He looked upon him as a most valuable public servant, as a man of indefatigable industry, as better acquainted than any one with Turkey, and as having done great things in and for Turkey. He would not attempt to justify that for which Lord Stratford had expressed his regret in these despatches. To say the least, it was unfortunate that Lord Stratford did not answer General Williams's letters, as it prevented General Williams having that power and authority which he would have otherwise exercised; but, when they remembered the immense amount of business, even under ordinary circumstances, with forty Consuls, Vice-Consuls, and consular agents in Malta, the Ionian Islands, Egypt, and the Barbary States, and the additional correspondence with the Generals in the Crimea and the Government at home, he thought very little could be urged against Lord Stratford on that score. In not getting General Williams recognised by the Porte, Lord Stratford had committed a grave error, and as that error had been acknowledged in the despatches, he thought they had censured Lord Stratford much more severely than he deserved. There was a little matter in which the hon. and learned Gentleman (Mr. Whiteside) had behaved very ungenerously with reference to Count Pisani and M. Etienne Pisani, two persons whom he had rolled into one. Count Pisani was at the head of the Chancellerie at Constantinople, was one of the oldest and most valuable of our public servants, and performed his duties admirably. M. Etienne Pisani was one of the dragomans, and the imputation against him, that he would not communicate messages as they were communicated to him, was unfair. He certainly recollected an instance in which M. Etienne Pisani did not do much for the flowery eloquence of Lord Stratford, for he summed up a speech of the noble Lord's in terms not very flattering to himself (Mr. Layard) by saying, "Your Majesty, this is a man who has dug up old stones." The hon. and learned Gentleman had likewise attacked the whole diplomatic service at Constantinople. He (Mr. Layard) did not agree in the employment of natives of the country as dragomans; but he must inform the House, that instead of being overpaid they were miserably underpaid, and he would like to see them better remunerated. He did not pretend to say that the Government was without fault, but the whole circumstances had been tremendously exaggerated. The hon. and learned Gentleman had spoken of the craven conduct of the Government in advising the abandonment of Kars. Now, his own opinion was, that it was a very great mistake to defend Kars, and that they ought never to have made the attempt. Kars was not in the high road, was not a strong place, was artificially fortified. The object of defending a place was, by a small force, to check the advance of a large army. Now, the whole of the Ottoman army in Asia Minor was shut up in Kars. If that army fell, the whole country was at the mercy of the enemy. Most fortunately, by the gallantry of General Williams and the matchless bravery of those who were with him, Kars held out. Between Kars and Erzeroum there was a long line of mountains. His opinion, and he found it shared by high military authority, was that the army ought to have fallen back on that line, leaving its rear open to receive supplies and reinforcements; and that it could have defended itself against the Russian army was proved by the fact that Mouravieff left Kars, thinking to get to Erzeroum, but found the position so strong, though defended only by a handful of men, that he could not force it. It was very true that holding Kars kept the enemy in check, and, probably, he was wrong. General Williams, who was on the spot, and consequently had additional means of judging, held a different opinion, and, probably, General Williams was right. Still, it was unfair to impute a craven motive to any one for thinking that Kars ought not to have been defended. There were two ways of relieving Kars. It might have been relieved by a joint movement, either from Batoum and Trebizond, or from Redout-Kaleh and Kutais. In the early part of the siege the former was the proper plan, and General Williams himself recommended it on the 30th of June. That gallant officer said, "I trust that the authorities of Constantinople will see the necessity of sending succour to Asia, both by way of Trebizond and Batoum." The Government adopted that opinion, and that it was a true one there could be no doubt. The hon. and learned Gentleman said it would take four months to march from Trebizond. That was not the case. He had frequently travelled over those roads, and they were perfectly practicable for light troops in three or four weeks. The conveyance of artillery would have taken longer, but then the Turks had abundant artillery at Erzeroum. He had done the journey with a large caravan in less than two weeks. It must be recollected that Mouravieff was not besieging but blockading Kars; and, in order to make the blockade effectual, his forces must have occupied an area of at least twenty miles. Not knowing from what quarter the Turkish troops were coming, he must have concentrated, and thus have left the way open for the escape of the besieged. He justified this attack in September by saying that he expected the Turks would advance from the side of Batoum and Erzeroum, but, unfortunately, the opportunity was lost. Then, when despatches arrived day after day, describing the exhausted state of the garrison and the hopelessness of holding out much longer, there was but one course to adopt. Then, at the last hour, was the time for a diversion on the side of Kutais. If Mouravieff had heard that troops were advancing on his rear, every military man would have indulged the hope that he would have given up the siege; but Mouravieff knew the country, he knew the difficulty of such an advance, and he proved his great military capacity by still holding on to Kars. The hon. and learned Gentleman referred to the campaigns of Paskiewitch, but the reason why Paskiewitch did not go to Trebizond was, that he did not want to go there; he remained at the key of the mountain passes of Erzeroum, because from that plateau he was able to send his troops to the south and to hold some of the most important and fertile of the Turkish provinces. The subject, after all, was really a question of dates. In the first instance, the proper course was an advance by Trebizond and Batoum, but when the opportunity for the advance was lost the only thing that remained was a diversion by Kutais. He regretted to have heard reflections cast upon Omar Pasha. He had known Omar Pasha for many years, and had accompanied him on one and part of a second campaign. Omar Pasha had rendered distinguished services to the Porte, and had certainly gone through this war with as much credit as any man. One part of the hon. and learned Gentleman's speech—that relating to Lord Panmure's answer to Lord Ellenborough in the House of Lords—had, until he thought over it, made an impression on him. Now, he was not going to defend Lord Panmure; he did not feel the least admiration for his public conduct since the commencement of the war, but he must confess that Lord Panmure was right in stating, in August last, that Turkey was able to maintain herself in Asia Minor. Now, of that statement the hon. and learned Gentleman had complained. If he had been in the situation of Lord Panmure, and he had been asked in August what was the state of the army in Asia, he should certainly have said that it was immensely strong—that it was supplied with provisions, arms, everything, for ten months. [*Laughter.*] Why, if Lord Panmure had said that the garrison was starving, that it had no provisions, no artillery, no money, he would only have encouraged Mouravieff to persevere in the siege. He would now proceed to point out what he thought were the faults of the Government. The original mistake, the cause of all the evil that had happened, must undoubtedly be attributed to Lord Aberdeen. ["Hear, hear!"] He would state his reason for making that assertion. The Resolution of the hon. and learned Gentleman (Mr. Whiteside) was not directed against the preceding as well as the present Government, and by voting for it he must, therefore, commit himself to a censure upon the present Government for conduct for which he had always blamed Lord Aberdeen's Government. He had held the same language for the last three years; he had always said that Lord Aberdeen was wrong; that, upon a question of principle, the defence of Asia Minor should have been the very first consideration of the Government. The Chancellor of the Exchequer's statement that night, that Kars was of secondary political importance, had, therefore, as he had previously stated, greatly astonished him, and had done more than anything to shake his belief that the present Government had made every effort to save it. There might have been political reasons to prevent Lord Aberdeen from taking precautions to defend the frontier of Asia Minor when the war first broke out, but the present Government could not be held responsible for the neglect of those precautions. Turkey should have been supplied with money, British officers should have been sent; but a different policy—in his opinion an erroneous policy—had been adopted. He regretted the hon. and learned Gentleman's expression that "four men and a doctor had been sent out." He might take upon himself the glory of having introduced Dr. Sandwith to Eastern life, and could, therefore, bear testimony to his abilities. But those officers were not sent out by Lord Palmerston—they were sent out by Lord Aberdeen. When we had Georgia and Circassia to act upon, our Government allowed favourable opportunities to slip by until it was too late for a *bonâ fide* campaign in Asia. A most incompetent officer was also sent to Circassia, and he (Mr. Layard) had warned the Government of the inefficiency of that officer at the time of his appointment;

but as he was now no more, it would be very improper to bear hard upon him. He had no wish to exculpate the present Government at the expense of their predecessors, and he thought what the House should do was to see on whose shoulders the blame really lay. Her Majesty's present advisers were, in his opinion, in fault on several matters. And first, in regard to the loan to Turkey, they ought to have supplied the Government of that country with money. The explanation of the right hon. Gentleman the Chancellor of the Exchequer failed to exonerate the Ministry on this point. There could be no doubt that, had General Williams been adequately furnished with funds, he could have provisioned Kars, procured baggage animals, raised troops, and done many other most important things requisite for the defence of Asiatic Turkey. Another great cause of our disasters was the mischievous interference of the War Office in military affairs. What we wanted was a great commander. It was a monstrous way of carrying on the war to be constantly telegraphing to our generals to do this to-day and to cease doing that tomorrow. Our commanders were thereby reduced to mere puppets, although, being on the spot and cognisant of their own resources, they must have known what ought to be done far better than the authorities at home. The unfortunate Turkish Contingent was ordered hither and thither, nobody being able to tell what would be its ultimate destination; and it was only natural that Lord Stratford, puzzled by such contradictory directions, should be at a loss what to do. For that state of things the present Government were greatly to blame. Our conduct towards the Turks also called for remark. Our Ambassador was placed in a difficult position. Having a great policy to keep steadily in view, he had daily demands to make on the Turkish Ministry on questions of high political moment; and it could not but seriously detract from his influence with the Porte to have to say, "You must dismiss this Pasha and put that one in his place." The Turkish agents might have been very culpable, but we ought to place ourselves in the position of their Government, which being after all independent, must be allowed to have had some self-respect left. What would have happened if a British Commissioner like General Williams had interfered with our other Allies, and demanded the dismissal of General Bosquet, or General Canrobert, for example? If that had been done, affairs never could have been satisfactorily conducted. It was to be regretted that an eminent Pasha, an able man who had been educated in this country, had been loaded with insult. The hon. and learned Member for Leominster (Mr. J. G. Phillimore), when he accused Selim Pasha of cowardice in running away and leaving his guns, confounded one Pasha with another bearing the same name. He (Mr. Layard) confessed that since he had read the Blue-book his opinion of the conduct of Lord Clarendon had undergone a very considerable change. The Foreign Secretary might not, in some cases, have taken the right step, but he appeared to have done his best to support General Williams. He (Mr. Layard) could safely say that since he had had a seat in that House he had never given a factious vote; and he hoped he should receive credit for sincerity in stating that he thought the charge preferred by the hon. and learned Gentleman the Member for Enniskillen against the Ministry was far too wide. It was unfair to assert that the fall of Kars was solely attributable to the want of foresight and energy on the part of the British Government alone. That proposition entirely passed over the French Government, which might, after all, have had some share of the responsibility for that event. Had the Motion been couched in other language he might have regarded it in a different light; but, taking it as it stood, although he believed that the Government had committed serious mistakes, and he had never sought to conceal that opinion, yet he could not conscientiously vote on that occasion with the hon. and learned Member for Enniskillen.

Mr. MAGUIRE said that, feeling convinced that the debate would be adjourned, he trusted the House would listen to one who was not merely in name, but in reality, an independent Member. He occupied the singular, or, at least, the rare position of one who could stand up there and speak the truth—[*Laughter*]—surely he would be allowed to finish the sentence thus interrupted—the whole truth, without any qualification or mental reservation. The question which had been under discussion for the last two nights had not been fairly and manfully treated. The great offender in this matter was Lord Stratford de Redcliffe, and in attempting to justify his conduct, the hon. Member for Aylesbury (Mr. Layard) had inflicted a heavy blow upon his own public character—a character which he had made by courage and independence. The hon. Gentleman would damage the last but not the present Government, and endeavoured to depreciate the Duke of Newcastle to serve Lord Panmure. A word as to the contrast between Lord Panmure and the Duke of Newcastle. For the latter he had no personal respect whatever. He meant no personal "leaning," because the noble Duke had endeavoured to trip him up in the borough he had the honour to represent. He bore the noble Duke no malice, and he would do him the justice to admit that in tone and spirit his despatch contrasted most favourably with the wretched and contemptible document that bore the signature of the hon. Member who spoke generally from the obscure corner of the Treasury, and who was rarely seen but often heard. The Duke of Newcastle, in his despatch to the Ambassador, insisted on the adoption of prompt and vigorous measures of reform; but the effort of Lord Panmure, even when the Turkish army was in the greatest peril, was confined to a recommendation that when the Porte had nothing else to do, it would attend to it. Such a despatch was most absurd and lame. The hon. Member for Aylesbury had adopted the extraordinary course of defending the conduct of Lord Stratford. [Mr. LAYARD: No, no.] The hon. Member could not deny his own words. The hon. Member for Aylesbury described Lord Stratford's conduct as "unfortunate." How delicate! And, remembering his former relations with that noble Lord, complained that he had been too severely dealt with. By whom had the noble Lord been thus harshly treated? By which side of the House?—by what party, or by what individual? The House had yet to learn. Too severely dealt with, forsooth! What treatment could be too severe for conduct such as his? The people of this country viewed his proceedings with scorn, with indignation, with disgust, and they would denounce it with rather less of Oriental reserve than suited the delicate nerves of the hon. Member for Aylesbury. To refrain from painting Lord Stratford's conduct in its true colours was to damage the character of General Williams. For that intrepid officer he (Mr. Maguire) entertained feelings of the most unmitigated respect and admiration—[*Laughter*]. Oh, they might laugh at the phrase, but he was indebted for it to the Oriental vocabulary of the hon. Member for Aylesbury. No language could adequately express his admiration for General Williams. That gallant public servant had set an example to the generals not of the Crimea only, but of the whole world. He was a glorious fellow—he was a hero; and, placed by his side, the poor little Simpsons were dwarfed to such puny dimensions as to be scarcely visible. His was as brave a heart as ever beat in human bosom; and had it not been for Lord Stratford de Redcliffe, he would have been the saviour of Kars. Lord Stratford had it in his power to render essential service to the beleaguered garrison; but, to his eternal dishonour, he had failed to do so. If ever there was a man in a position to enlist the sympathy of the world it was General Williams, before the capitulation of Kars. He was breathing an atmosphere of villany; he was surrounded by the greatest scoundrels that ever disgraced the form of humanity—[*Laughter*]. They might laugh; but it was no laughing matter to General Williams to be in such company. Perhaps hon. Gentlemen thought his language was over strong. If so, then he would state one or two facts which would show that no strength of language could do adequate justice to the rascality of the superior officers of the Turkish army. One of them drew rations for 33,000 men when he had only to provide for 14,000, and this when provisions were actually falling short. Then look at the state of things at Olti; no less than 500 of that doomed garrison died of disease, and the sick were lying on rotten straw, their bodies devoured by vermin—they being starved and robbed by their officers. The results of this villany were to be traced in the condition of the entire army. General Williams was sickened at the sight, and called upon the Porte to mark with its indignant reprobation the perpetrators of such iniquity. And how did Lord Stratford receive the representations of this dauntless soldier—this immortal hero, with whose name the world was ringing, and whose gallantry and self-resource were the themes of universal admiration? He wrote a letter which was intended as a stab at General Williams, but which was enough to load his own name with infamy. It was thus that, in writing to Lord Clarendon on the 1st of March, 1855, he had the presumption to express himself—"Observing in your Lordship's instructions to General Williams, that he is directed to maintain the most friendly relations with the Turkish officers"—Turkish officers, indeed! Why, they were the most atrocious miscreants that ever polluted the earth with their presence—drunkards, traitors, debauchees, robbers—the incarnation of everything that was abominable under the sun. But to return to Lord Stratford. He went on to say—

> "I venture to ask whether the tone which he has assumed towards them [meaning these wretches], the abruptness of his charges, the violence of his threats, the dictatorial spirit which, according to his own account, has generally characterised his proceedings, can be said to correspond with that intention, or to favour those dispositions to reform which it is our object to produce no less at Kars than throughout the Turkish empire?"

Never was there anything more outrageous than these charges. They had General Williams's despatches before them. What "threats" did they contain?—what "violence?"—what "charges?" Where were the evidences of a "dictatorial spirit?" Of these things there was not a vestige in the despatches of General Williams. He had never uttered one word too strong for the terrible exigencies of his case. The hon. Member for Aylesbury thinks that Lord Stratford could not have insisted on the removal or disgrace of the guilty officers, who were betraying, not merely the cause of their master the Sultan, but of the Allies as well. One passage from a letter by General Williams would at the same time answer the hon. Member, and refute his friend Lord Stratford. How dignified, and at the same time how crushing, was his reply to Lord Stratford's nonsensical allusions to Bacon, Pepys, and Marlborough? Writing to Lord Clarendon on the 25th of January, 1855, he observed:—

> "With reference to Lord Stratford de Redcliffe's historical allusions on this vital point, I would beg to remark that, although the crimes of Bacon, Pepys, and Marlborough were parallel and identical with those which now brand the characters of the greatest and least of the public men in Turkey, the circumstances which relate to the repression and punishment of them are by no means so; for, if we take the last and greatest of these guilty Englishmen above mentioned, we find his glory and his avarice associated with the history and fortunes of the greatest nation upon earth. England was not then supported in the arms, as it were, of France and Turkey, and could not have been peremptorily called by great patrons and Allies to put her house in order and repress corruption, as Turkey now is by France and England; and had this warning voice been heard, and responded to, we should have been spared this desperate struggle."

The Turkish officers by whom in this desperate struggle General Williams was surrounded were scoundrels whose iniquity exceeded belief, yet the hon. Member for Aylesbury had the courage to stand up in that House and assert that an appeal to the Porte to dismiss such ruffians was a parallel case with an application to the French to recall Bosquet or Canrobert! Where was the analogy between the thieves and rascals who preyed on the vitals of the Turkish army, and the gallant leaders of our noble French allies, without whose aid we should have been powerless in this war? Had we called for the dismissal of Bosquet and Canrobert, how well might the French have retorted with a demand that we should send home Simpson. Turkey was, as General Williams said, in the arms of England and France; and the Ambassador of England should have spoken, not with the tone now adopted by the House of Commons against his own conduct, but with a voice of thunder, in behalf of the country and the interests which he represented. Let hon. Members refer to the despatches of Dr. Sandwith, and see how corruption had eaten into every department, and let them then say if a delicate remonstrance would have suited the emergency. What was the result of the course which was pursued by the Ambassador and the Government? Dr. Sandwith, speaking of the medical stores, said, that there were amomg them pots of pomatum, eau-de-cologne, hair dye, and obstetric instruments; and that, on examining a package of drugs which had newly arrived, he found in addition to adulterated powders and various quack nostrums, a packet of window curtains and other articles, which were doubtless intended as bribes to the apothecaries, whose duty it was to examine the stores. The Pasha had received money for the repairs of the hospitals of Olti, but, as in other and similar cases, he put it in his capacious pocket, while his men were dying by hundreds. Other grounds of complaint against Lord Stratford de Redcliffe were to be found in the fact that he did not exert himself to procure the removal of a certain quarantine, which was kept up, not for sanitary purposes, but to carry out this abominable system of peculation and robbery, and which obstructed the passage of supplies from Persia to Kars and Erzeroum; and that he did not obtain for General Williams that control over the provisions which was necessary to enable him to do any good, and for which the General was ultimately indebted to a Turkish officer. General Williams complained that he had written several weeks before on this subject to Lord Stratford, without having received his answer, or any notice whatever of this most important matter. The fact is, by his neglect and his discouragement, Lord Stratford endeavoured as much as possible to damage the position of General Williams. When the army was in want of powder and shot, of effective sabres, saddles, and other accoutrements, of a better organisation, and of more honest commanders, there appeared for it a saviour in the person of Selim Pasha, whose arrival was heralded by a despatch not very dissimilar to some that we had seen in this country. By this despatch it was ordered—how much to the advantage of the army the House would at once perceive—that the colour of the edging of the clothing should be red instead of yellow; that the officers should wear black cravats; and, most important of all, that the tassel of the fez should in future hang on the left side. It was against such discouragement, such neglect, such corruption and treachery, that General Williams and his gallant assistants had to contend; and it was solely and entirely owing to him and them that the Turks were enabled to make so glorious a defence as they did on the 29th of September—a victory which was one of the most splendid of the war, and the most disastrous to the enemy. But, being neglected at Constantinople and elsewhere, what could he do? Williams was starved, not beaten out of Kars; and that disaster, in my conviction, lies mainly at the doors of the man whom the hon. and Oriental Member for Aylesbury defends, and who, for party reasons, each side of the House treats so gingerly. Lord Stratford treated too severely! Whose hand has struck this blow. Not the Government's; for if they lean too heavily on their Ambassador, the natural question arises—why did you retain him in his office? And as for the Opposition, they seem to care more about damaging the Ministry than Lord Stratford. The Government are not without blame; but the original and the greater responsibility rests on the head of him whom we are told was so powerful and so influential with the Porte. The result of all this mismanagement and neglect was exhibited in the deplorable condition of the garrison and inhabitants of Kars at the time of the capitulation. On this subject Mr. Consul Brandt said, in a despatch to Lord Clarendon, dated November 28:—

> "When General Williams learnt on the 23rd, by a communication from me, that Selim Pasha would not advance, he saw that all hope had vanished. The soldiers were dying by 100 a day of famine. They were mere skeletons and were incapable of fighting or flying. The women brought their children to the General's house for food, and there they left them, and the city was strewed with dead and dying."

In another despatch he gives this heartrending description of the state of the people and garrison of Kars:—

> "General Kmety says that the position of the garrison and city was such that any conditions, however hard, must be accepted. Human nature could neither resist longer nor endure more. Scarcely 1,000 men of the whole garrison were in a state to use their weapons, and not many more could have sustained a march pursued by an enemy. Had a retreat been attempted very few would have survived it; those who escaped the arms of the enemy would have died of exhaustion. The women crowded round the General's house with their starving children crying for food, and throwing down their little ones at his gate would not depart but with food. Himself, whom it had been their delight to salute and recognise as he passed, they no longer noticed kindly, but hurried by with an ominous half-averted scowl; the same look was perceived in the soldiers; and how must this have lacerated a breast which always overflowed with tenderness towards suffering humanity."

The House could not too strongly express its admiration of the heroism and devotion of this gallant General; but it would be an insult to his reputation to palliate the conduct of Lord Stratford in not affording him every assistance in his power under the difficult and trying circumstances in which he was placed. Lord Stratford, in his conduct to General Williams, had been guilty of treachery to his own Government and country. To gratify a base personal feeling, he had sacrificed a cause which he was bound to uphold, and he had shown himself totally unworthy of the high position in which he was placed.

SIR WILLIAM HEATHCOTE said, the position of the question had been so very much altered in the course of the evening by the Amendment moved by his hon. friend the Member for Dorsetshire (Mr. Ker Seymer), and so few hon. Members were present in the House at that moment, that he would ask the House to bear with him while he pointed out that it would be more for the honour and credit of the House why they should adopt that Amendment rather than vote for the affirmative or negative of the Motion of the hon. and learned Member for Enniskillen (Mr.

Whiteside). The hon. and learned Member for Leominster (Mr. J. G. Phillimore) withdrew his Amendment, and upon that being done, his hon. Friend the Member for Dorsetshire moved that the latter part of the Resolution should be left out, retaining only the graceful compliment to the gallant army which defended Kars, upon which the Resolution was based. His hon. Friend the Member for Dorsetshire thought it was not expedient to decide upon the subject until time had been given to consider the terms of the treaty and the protocols which preceded it, and which had only just been laid upon the table. The effect of the Amendment before the House would be to take the vote not upon the Resolution, but to divide upon what closely resembled "the previous question." He confessed he should be exceedingly glad if the House would come to that decision, and thus save itself from giving a direct vote on the Resolution. He was very unwilling to consent to a vote of censure on the Government, because he was not aware, and could not be aware until he had read the papers, how far the surrender of Kars had been followed by important consequences. The argument of the right hon. Gentleman the Chancellor of the Exchequer was based very much upon those papers, and he contended very strongly that the protocols showed that no damage had been sustained by the surrender of Kars. Now that might be true, or it might not—he doubted it himself—but every one would naturally be anxious to read for himself, and to see how the case really stood. No doubt, with our alliances and all the complications ensuing from them, there must have been great difficulties to contend with, and he thought it would be more generous to refrain from expressing censure on the Government. He was afraid, too, that the Motion would be premature at the present moment. An erroneous impression would be given to the result if they proceeded to a division on the present occasion. There were many hon. Members who would feel themselves obliged to vote against the Motion on the grounds he had already indicated, but who still were not prepared to acquit the Government of all blame. The Government, however, by the Chancellor of the Exchequer, declared that they would not accept this Amendment. He was sorry to hear it. He should have been very glad if he could have avoided giving a vote on the main question, but if the Government drove him into a corner and forced him to give a vote, he could not conscientiously give a vote of "Not guilty." If he looked at their conduct before the siege was commenced, he could not see that they had exerted themselves to throw those supplies into Kars which would have enabled it to hold out against the enemy. The correspondence showed that they had paid considerable attention to the subject, but the more their "foresight" was proved their claim to "energy" became less, because the more their attention was roused the less they seemed to have done. Lord Stratford had pointed out to them that all remonstrances with the Porte were useless, that men and means were wanting; yet, still all they did was to send remonstrance after remonstrance, none of which produced any effect. Neither when Kars was actually besieged did their conduct appear in any better light. All they did was contumeliously to reject the proposal made by the Porte; then followed a series of vacillating orders, which produced nothing; and after all they resorted to that very plan which was rejected by them when first proposed. He could not, therefore, acquit the Government of all blame, and as, no doubt, there would be many hon. Members who thought as he did, he considered that it would be far better to adopt the Amendment of the hon. Member for Dorsetshire.

Mr. WARNER said, that no parallel could be found to the conduct of Lord Stratford de Redcliffe, unless it were among those high military authorities, whom we now, as it seemed, delighted to honour, because they had sacrificed our army in the East by their incapacity and stolid presumption. He could not, however, vote for the Motion of the hon. and learned Member for Enniskillen. He hoped the House would not get rid of it by a side wind. It was a direct attack upon the Government, and should be met with a direct aye or no. He for one thought the Government had done all that could be done for the defence of Kars. It was no such easy matter as some seemed to think, to control the intrigues of a barbarian court. This had been experienced in India, though there we had Residents of far higher intellectual calibre to that of our European diplomatists. The hon. and learned Member had failed to bring home to the Government any one of his charges. He should give his vote against the Motion, believing it to be totally without foundation, and one which could have no result which would be creditable to those who supported it.

Sir Bulwer Lytton and Mr. Serjeant Shee both rose at almost the same moment.

Mr. Serjeant SHEE, having been called on by Mr. Speaker, said, he must apologise to the House for addressing them before the hon. Baronet the Member for Hertfordshire, who, he was quite assured, they would much more willingly listen to than himself. But they must remember that the hon. Baronet could at any time ensure himself an opportunity of commanding a hearing, whereas it was with the utmost difficulty that he (Mr. Serjeant Shee) could realise such an opportunity. Having very carefully read over all the papers before the House, he flattered himself he could form a very fair opinion of their general effect and bearing, and pronounce impartially between the hon. and learned Gentleman (Mr. Whiteside) and the noble Lord at the head of the Government. He held it to be undeniable that that noble Lord had conducted a most extensive and terrible war to a most successful issue—to a most glorious conclusion. The noble Lord had fully accomplished what he thought that House must unanimously acknowledge to have been most mighty objects; and were the noble Lord now to accede either to the Motion of the hon. and learned Member for Enniskillen (Mr. Whiteside), or to the Amendment of the hon. Member for Dorsetshire (Mr. Ker Seymer), he (Mr. Serjeant Shee) should hold the noble Lord to be a traitor to his own reputation and to the confidence and respect of his country. The House, not less than the country at large, after the spirit, the energy, and the consummate ability which the noble Viscount had exercised in carrying through that war, and meeting its exigencies, must surely desire to award to him a full measure of its warmest support on an occasion like this, when the whole of his conduct must be considered to have been directly challenged. Now, he had listened with the utmost attention to the hon. and learned Gentleman's very able, but he could not say very candid or convincing speech. But before hearing that speech he had had the advantage of carefully perusing all the documents in the Blue-book, and he was bound to say that a more unfair, a more unjust, a more inefficient summary of such papers than that given by the hon. and learned Gentleman in his speech he had never heard in that House. Every point which could at all tell in favour of Her Majesty's Government the hon. and learned Gentleman had either most disingenuously tortured, or most palpably suppressed. One instance of this kind had been so remarkable that he (Mr. Shee) could not abstain from bringing it under the notice of the House. It was sufficient, however, to say he now referred to that passage which had been already adverted to by the right hon. Baronet the Member for Droitwich (Sir J. Pakington), when he said he could convict Her Majesty's Government of the most barefaced duplicity, with reference to the proceedings in Asia Minor. The hon. and learned Member for Enniskillen had affected to treat this matter, in noticing it, as if he had adopted the same view as the right hon. Baronet had taken of it. The hon. and learned Gentleman's speech was one of such unmanageable length, that it was useless for him to attempt to secure the patience of the House whilst he grappled with it; but it was otherwise with the pith of that speech which had been *réchauffé* by the right hon. Baronet. The right hon. Baronet argued that by the neglect to relieve Kars in time, the Allies had incurred a terrible responsibility. Their neglect might have enabled the Russians to reach Constantinople, and surprise and capture the Sultan in his own harem. Why, where was the danger of any such result; or in what manner could the fall of Kars have affected the practicability of a march by a Russian army on the capital of Turkey? Was Kars the high road to that capital? But the hon. Member for Aylesbury (Mr. Layard), however, had disposed of that imaginary responsibility in a very summary manner. He had shown that the journey from Kars to Constantinople was one not to be so very easily made, even by caravan—the mode of conveyance that the hon. and learned Gentleman or the right hon. Baronet need employ if either of them were to attempt the trip. For the march of an army, and the passage and transport and carriage such a body would require, these difficulties would have been found absolutely insuperable. Besides, they were increased by the fact of the numerous friendly Powers, as well as the geographical and even maritime obstacles interposed between the shores of the Black Sea and those of the Bosphorus. The House could hardly have forgotten that when, some fifteen or seventeen years ago, an Egyptian Prince, Ibrahim Pasha, at the head of a well-equipped force of from 15,000 to 16,000 men, had moved in the direction of Constantinople as far as Koniah, a handful of troops detached by the Emperor of Russia at that time was found sufficient to compel the Egyptians immediately to retrace their steps, instead of their reaching the Turkish capital. The hon. and learned Gentleman then strangely enough proceeded to argue that Constantinople at no time was, nor was likely ever to be, endangered by such a disaster as that at Kars; but more than this—the Russians never imagined it was. Their object in making the demonstration which afterwards resulted in the siege and capture of Kars by the forces under Mouravieff was not so much to obtain the possession of that fortress (at least originally) as for the express purpose of a diversion, and intended to detach a portion of the English, French, and Turkish army from Sebastopol. If the British Government had been so unwise as to withdraw any of their army from Sebastopol, to send it into Asia Minor, they could not have played more effectually the game of the Russian Emperor. The right hon. Baronet said the Government had opposed the diversion proposed by the Turkish Government by Redout-Kaleh in June, and that they afterwards jumped at it when made in August or the end of July. Now, the hon. Member for Aylesbury had given one answer to that objection—namely, that it was a question of date, but it was also a question of plan and circumstance. The right hon. Baronet said that the plan of the Turkish Government was approved by every one but Lord Clarendon, but Lord Stratford himself stated the objections which were made to it by military men upon the spot. The plan, too, was not only disapproved by Lord Stratford and Lord Clarendon, but was most distinctly and emphatically disapproved by General Vivian, who was to command a force of 20,000 men in the expedition. The plan was also expressly disapproved by Omar Pasha. With reregard to the second question, General Vivian said that 10,000 of the Contingent would probably be the best troops that could be sent, yet up to that time they were but partially clothed and equipped; they were under officers unacquainted with their language, who were compelled to employ interpreters, and, should the latter desert them in action, inevitable confusion would be the result; the *prestige* of the English officers would be destroyed, and it would be difficult to induce the Turk again to trust to English guidance. If our Government had approved the proposed plan in the teeth of such a statement from so efficient an officer as General Vivian, instead of being exposed to a trumpery censure like the present, they would have been liable to impeachment, if the expedition had failed. General Vivian proceeded to say, that it would be impossible to march beyond Kutais before the end of the season, and that it was extremely doubtful whether the occupation of that place would have the desired effect of relieving Kars, adding that the position of the army at Kutais during the winter would be very hazardous. It would have been impossible for our Government, with this despatch of General Vivian before them, to approve the proposed plan at that time; and he could not understand how such an important document had escaped the notice of the right hon. Member for Droitwich. But the view which he was now taking did not rest on the authority of General Vivian alone. The plan was also opposed by Omar Pasha himself. Lord Stratford de Redcliffe, in a despatch dated the 13th of June, stated that the proposed expedition to Redout-Kaleh was to consist of 45,000 men composed of forces collected from various quarters. About a month later, Omar Pasha, who was tired of his inactivity at Balaklava, and anxious to carry on the same course of successful warfare in Asia Minor by which he had so much distinguished himself upon the Danube, proposed to leave the Crimea with his disciplined troops and make an effort to relieve Kars. But the allied commanders had so much reason to apprehend a repetition of the fierce onslaught of Balaklava, and of the still fiercer onslaught of Inkerman, which would have tried and broken down any but British courage, that they wished to retain Omar Pasha and his troops to keep in check the Russian battalions, and without his knowledge, when he resolved to go to Constantinople to humour the Ministers there and gratify his own desire for service in Asia Minor, they sent two officers with him for the purpose of making their opinion prevail over his at the Ottoman Porte. On his arrival at Constantinople he found the Turkish Government anxious to adopt his plan for the relief of Kars; but he distinctly stated—and the statement was a very important one—that he would not go to Asia Minor with such troops as those which it had been proposed to place at the disposal of General Vivian, and corroborated the opinion expressed by that officer, that the expedition should not be attempted with any but the best soldiers. Omar Pasha supposed the case of the army at Kars having been destroyed before his arrival in Asia, and of the Russians having advanced beyond that place, and he then observed that, in such a case, he, being with an army composed of different materials, and in which he could not place entire confidence, should find himself with his army in a similar difficulty to that in which the army in Kars was actually placed, and that great danger would accrue not only to the Turks, but also to the whole alliance. Omar Pasha declined to peril his reputation and the safety of the country on the terms proposed to him. These facts—which the hon. and learned Gentleman who had called on the House to act judicially, and had protested that he had no party feeling, took care not to bring under the notice of the House—were a conclusive proof that, at the time when our Government objected to the plan, they were right in so doing, although they gave qualified assent to it afterwards, when the circumstances were changed. He, therefore, appealed to the noble Lord at the head of the Government to have nothing to do with the Amendment of the hon. Member for Dorsetshire, but to have a distinct vote taken upon the question which had been raised by the hon. and learned Member for Enniskillen, upon which the noble Lord might be sure of a large and overwhelming majority.

Sir BULWER LYTTON moved the adjournment of the debate.

Viscount PALMERSTON: Sir, I cannot help expressing some surprise at the Motion which has just been made. The subject has now been discussed for two nights, and I think the House must have pretty clearly made up its mind. Although there may be Members still left of sufficient talents to adorn the subject, and whose research may no doubt be useful as a guide to the House, yet upon every occasion of a great and important debate, it is impossible that every man who may be entitled to speak should have an opportunity of doing so, and I think the feeling of the House, I am sure, if it is to be collected from the expressions which have fallen from hon. Members, is, that we ought to-night to come to a decision on the subject. I can quite understand that that party who have in another place shrunk from the discussion of this subject, daunted by the speech of the mover of this Resolution —daunted evidently by the speech of the hon. and learned Member for Enniskillen —I can quite understand that the party who have shrunk, I say, from this discussion in another House may wish to shrink and escape from it in this. We will not lend ourselves to such an intention. We are here, ready to continue to the latest hour of the morning the discussion, so far as it may go; but I will take the sense of the House to-night, in the conviction that that sense will be in favour of the Government.

Mr. DISRAELI: Sir, I myself came down to the House in the hope and expectation that a division would have been taken on the Motion of my hon. and learned Friend (Mr. Whiteside) to-night; but, after the Amendment of the hon. Gentleman (Mr. Ker Seymer), I saw directly that there was a new feature introduced into the debate, and that there was less chance than I could desire of the division taking place to-night ["Oh, oh!"] Let me recall the attention of hon. Gentlemen who treat this point with so much levity to what is the real cause of our not dividing to-night. It is that Gentlemen put important Amendments on the paper without due reflection and without intending to act upon them. This course of proceeding disturbs the mind of the House, and prevents that arrangement of debate which it is by mutual consent convenient generally to adopt. It is notorious to everybody that if the hon. and learned Member for Leominster (Mr. J. G. Phillimore) had not given notice of an important Amendment—which it appears now that he never intended to bring forward—my hon. Friend the Member for Dorsetshire would yesterday have brought forward his Amendment; we should then have had the questions fairly before the House; they would have been discussed, and we should have divided to-night. I think, therefore, that the tone of the noble Lord is not authorized by what has occurred.

The position in which we now find ourselves is entirely attributable to one of his own supporters having given notice of an important Amendment which, as it appears, was not made in any spirit of seriousness, and which has led another Gentleman now to move an Amendment which otherwise would have been brought forward yesterday. Sir, I shall support my hon. Friend the Member for Hertfordshire (Sir B. Lytton), in his fair and reasonable proposition that this debate should be adjourned; and as the noble Lord boasts of his power of sitting up, I tell him that he will find me ready also in my place, and that I will not rest till I obtain for my hon. Friend that opportunity of recording his views upon this subject to which I conceive he is fully entitled. If the speech of my hon. Friend would conclude the debate, I am sure that he would not flinch for a moment from coming forward; but allow me to say that there is another individual—the noble Lord—to whom I should listen with much interest; and, if I may refer to a much humbler individual, I think that I myself might prefer some claim to make a few comments on the question before the House. Perhaps, too, the hon. and learned Gentleman who has been the subject of so much criticism this evening may not wish to relinquish his legitimate privilege of reply. Is it unreasonable, then, in these circumstances, to ask the House at half past twelve o'clock to adjourn the debate? But that is not all. Are we not to be favoured with the opinions of the noble Lord the Member for London? (Lord J. Russell.) The counsel which he gave and the policy which he expressed have been brought forward as the very foundation of the policy which the Government have pursued; and are we not to hear from himself the views of the noble Lord? There are also other distinguished statesmen in this House whose opinions upon this subject may be looked forward to with great interest, and therefore I think that the noble Lord at the head of the Government has assumed a tone not at all befitting the occasion. It is not altogether an unusual tone with the noble Lord, but in my opinion it is a most unwarrantable one, and I assure the noble Lord that it is a tone to which I for one never will succumb.

Motion made and Question put, "That the debate be now adjourned."

The House *divided*: Ayes, 173; Noes, 243—Majority 70.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Alexander, J.
Annesley, Earl of
Bailey, C.
Baldock, E. H.
Ball, E.
Baring, T.
Barrow, W. H.
Bateson, T.
Bellew, T. A.
Bennet, P.
Bentinck, G. W. P.
Bernard, Visct.
Bignold, Sir S.
Blake, M. J.
Blakemore, T. W. B.
Blandford, Marquess of
Bond, J. W. M'G.
Booth, Sir R. G.
Bowyer, G.
Bramley-Moore, J.
Bramston, T. W.
Buck, Col.
Buller, Sir J. Y.
Burroughes, H. N.
Burrowes, R.
Cabbell, B. B.
Cairns, H. M'C.
Cecil, Lord R.
Christy, S.
Clinton, Lord C. P.
Clive, hon. R. W.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Egerton, Sir P.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Fitzgerald, W. R. S.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goddard, A. L.
Gordon, hon. A.
Greenall, G.
Greene, J.
Grogan, E.
Guinness, R. S.
Hale, R. B.
Hall, Gen.
Hamilton, Lord C.
Handcock, hon. Capt. H.
Harcourt, Col.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord A. E.
Horsfall, T. B.
Hume, W. F.
Jones, Adm.
Kendall, N.
Kennedy, T.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Lacon, Sir E.
Langton, W. Gore
Laslett, W.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lisburne, Earl of
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
MacEvoy, E.
MacGregor, J.
M'Mahon, P.
Maguire, J. F.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Michell, W.
Montgomery, H. L.
Mowbray, J. R.
Mundy, W.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Otway, A. J.
Pakington, rt. hon. Sir J.
Palk, L.
Palmer, Robt.
Palmer, Roundell
Peacocke, G. M. W.
Phillimore, R. J.
Portal, M.
Repton, G. W. J.
Robertson, P. F.
Rust, J.
Seymer, H. K.
Smijth, Sir W.

Smith, A.
Somerset, Col.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord.
Starkie, L. G. N.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, H. G.
Sullivan, M.
Swift, R.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Verner, Sir W.
Vernon, G. E. H.
Vernon, L. V.
Walcott, Adm.
Warren, S.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

List of the NOES.

Acton, J.
Adair, H. E.
Adair, Col.
Agnew, Sir A.
Anderson, Sir J.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Bell, J.
Berkeley, Sir M.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Burke, Sir T. J.
Byng, hon. G. H. C.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. Alderman.
Chambers, M.
Chambers, T.
Cheetham, J.
Clay, Sir W.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Collier, R. P.
Colvile, C. R.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Drummond, H.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
East, Sir J. B.
Ebrington, Visct.
Ellice, E. (St. Andrew's)
Esmonde, J.
Estcourt, T. H. S.
Euston, Earl of
Ewart, W.
Ewart, J. C.
Fenwick, H.
Fergus, J.
Ferguson, Sir R.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gifford, Earl of
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Greene, T.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heard, J. I.
Heathcote, hon. G. H.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Heywood, J.
Hindley, C.
Hogg, Sir J. W.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
Jermyn, Earl
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Langton, H. G.
Layard, A. H.
Lee, W.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Lowe, rt. hon. R.
Luce, J.
Mackie, J.
Magan, W. H.
Marjoribanks, D. C.
Martin, J.
Martin, P. W.
Massey, W. N.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, rt. hon. W.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Napier, Sir C.
North, F.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. D.
O'Connell, Capt.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Palmerston, Visct.
Patten, Col. W.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Perry, Sir T. E.
Philipps, J. H.
Phillimore, J. G.
Pigott, F.
Pilkington, J.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Power, N.
Powlett, Lord W.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Richardson, J. J.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Shafto, R. D.
Shee, W.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Somervill, rt. hn. Sir W.
Stafford, Marq. of
Stanley, hon. W. O.
Steel, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tite, W.
Traill, G.
Uxbridge, Earl of
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waddington, D.
Walmsley, Sir J.
Walter, J.
Warner, E.
Waterpark, Lord
Watson, W. H.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Hayter, W. G.
Berkeley, G. C.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. MALINS said he should now move that the House do now adjourn.

Viscount PALMERSTON said, he stated that he was ready to remain in the House till any hour in the morning for the purpose of going on with the debate, but the right hon. Gentleman (Mr. Disraeli) had taken a different ground, and said he would sit to any hour for the purpose of moving adjournments, which was not a very profitable employment of the time of the House. Having taken the sense of the House on the question of adjournment, he thought the House had given an indication of its views on the main question—and therefore he should not now object, not to the adjournment of the House, but of the debate. If the hon. and learned Gentleman would withdraw his Motion, and move the adjournment of the debate to Thursday, he would on that day move that it have the precedence of the Orders of the Day, and they would then be ready to hear the hon. Member for Hertfordshire (Sir B. Lytton) which would, of course, give the House great pleasure.

Mr. MALINS said, on that understanding, he would withdraw his Motion for the adjournment of the House.

Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *adjourned.*

Motion made, and Question proposed, "That the debate be adjourned till Thursday next."

The Marquess of BLANDFORD said, he must appeal to the noble Lord at the head of the Government on behalf of Members, like himself, who had Bills on the paper for Thursday, which would be displaced by the adjournment of the debate till that day. He would suggest that the debate should be adjourned until Friday.

Viscount PALMERSTON said, he could not consent to that, especially when urged by one who had voted in favour of the adjournment of the debate.

Amendment proposed, to leave out the word "Thursday," and to insert the word "Friday," instead thereof.

Question proposed, "That the word 'Thursday' stand part of the Question.

Amendment, by leave, *withdrawn.*

Debate *adjourned* till *Thursday.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Wednesday, April 30, 1856.

PUBLIC THANKSGIVING.

Ordered—That The Lord Bishop of Bath and Wells be and is hereby desired to preach before this House in the Abbey Church, Westminster, on *Sunday* next the *4th Day of May*, being appointed by Her Majesty's Royal Proclamation a Day of Public Thanksgiving for the Restoration of Peace between Her Majesty, Her Majesty's Allies, and His Imperial Majesty The Emperor of all the Russias.

House adjourned to Friday next, Ten o'clock.

HOUSE OF COMMONS,

Wednesday, April 30, 1856.

Minute.] New Writ.—For Longford, *v.* Richard Maxwell Fox, esq. deceased.

ASCENSION DAY—ADJOURNMENT.

Mr. HAYTER said, he would move that the House at its rising do adjourn till to-morrow at Two o'clock.

Mr. THORNELY said, he wished to know if they were to begin business at Two o'clock?

Mr. SPEAKER said, he must inform the hon. Member that the House at its rising always adjourned till half-past Ten o'clock the following forenoon. Committees were entitled to sit after that hour, but to-morrow being Ascension-day, it was not thought desirable that they should meet before Two o'clock, and hence the Motion for adjourning the House till that hour.

Mr. THORNELY said, he understood, then, that though Committees might sit at Two o'clock, the House itself would not meet till Four.

Mr. SPEAKER: Precisely so; but it is competent to the House now to resolve that no Committee should sit to-morrow, being Ascension Day.

Motion, by leave, *withdrawn.*

Ordered—That no Committees shall have leave to sit To-morrow, being Ascension Day, until Two o'clock.

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

Order for Committee read.

Sir WILLIAM SOMERVILLE said, he would now move that the House should go into Committee upon this Bill.

Motion made, and question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL GREVILLE said, he could not allow that opportunity to pass without saying that he was not only opposed to the principle of the Bill, but also the details. The latter might be amended in Committee, but still the Bill was bad in principle. He would not, however, oppose their going into Committee on the Bill.

MR. DE VERE said, he also entertained very serious objections to both the principle and the details of the Bill. The Amendments which were on the paper, if introduced, would render the Bill less noxious; and after the division which took place on the second reading, he thought they ought to go into Committee and amend it there as best they could.

MR. BRADY said, the principle of the Bill had not yet been fully discussed, and it certainly ought to be before the House determined to go into Committee. The right hon. Baronet who introduced the Bill (Sir W. Somerville) was, no doubt, actuated by the most kindly feelings towards the labouring classes of Ireland; but he would not on that account assent to a measure which would place the poor of his country in the power of the magistrates and at the mercy of the landlords. The Bill purported by its preamble to be a Bill to improve the condition of the labouring classes; but, believing that its effect would be the very reverse of improvement, he felt bound to offer every opposition in his power to the further progress of the measure.

MR. KENNEDY said, he should move that the House go into Committee that day six months. He considered the Bill as an attempt to introduce into Ireland a different law from that which existed in England or Scotland. He did not believe it would be proposed anywhere except in Ireland to empower a landlord to eject his tenants occupying less than half an acre of land at any period of the year, even when their crops were in the ground, upon a month or even a week's notice. There were no peculiar circumstances in Ireland to justify the enactment of so harsh a law, and he hoped the House would not listen to the plausible excuse that the Bill would enable landlords to provide for the labouring classes house accommodation not inferior to that enjoyed by the humblest cottager in England.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILLIAM SOMERVILLE said, when he brought this Bill in last Session, he then stated, at considerable length, the principle and the reasons on which it was founded; and, upon a Motion similar to this, the House then decided by a large majority upon going into Committee. He therefore did not think it necessary to make a lengthened statement upon the present occasion. It was not correct to state that the Bill would enable a landlord to go through the country and turn out the poor people from their holdings. The Bill had in view the improvement of the dwellings of the poor. Those habitations, he was ashamed to say, were such as to be a disgrace to a civilised country, and those hon. Members would pardon him if he said he did not understand their opposition. The Bill referred only to a certain class of houses with a view of providing for common decency and comfort—and until those comforts were attended to and provided for, the landlord would have no power given him under the Bill. He might exaggerate when he said it, but he feared that the class of houses to be provided under this Bill was not anywhere to be found in Ireland. His reason for bringing in the Bill was, that the state of the law was such, and the resistance to the recovery of rent or tenement such, that nobody, if he could help it, would have anything to do with these small houses, and the consequence was, that the landlord, when he learned the state of the law, which he soon did, knocked down the tenements, which were nothing but a trouble to him. On a former occasion, when the Bill was before the House, he had read extracts from the books of travellers, some of them foreigners, who had visited Ireland, and he was ashamed to say they contrasted the dwellings of the poor there unfavourably with the wigwams of the Indians. It was an evil to which he had long been alive, and when in office he introduced a clause into a Bill applicable to Dublin, to facilitate the recovery of small tenements. The results of that clause, according to the testimony of Mr. Turner, had been most excellent, and still continued to be so. The number of hovels in Dublin had decreased, as he had expected, and the number of ejectments had also diminished; and, what was much to be wished, Mr. Turner said that the horribly brutal conduct of landlords in dealing with their tenants, their riotous treatment of them, seizing and pawning their furniture, taking out the windows, stopping the chimney and smoking them out—all that had been stopped in that district. It was objected, however, that that clause might apply to towns and villages, but that it was entirely unsuited to the rural districts. In those districts that class of dwelling was becoming scarcer every day, and but for the clause which he introduced, he believed that by this time the poor would have been without a roof to cover them. It was with an humble endeavour to remedy the existing dreadful state of things that he had brought forward this measure. It must be remembered that these poor people were hustled and huddled together in hovels which were utterly unfit for human beings to dwell in, and that for the wretched places which they inhabited they paid a rent which was absolutely exorbitant. He had thought long and anxiously over this subject, and he conscientiously believed that the Bill which he had introduced would prove efficacious in remedying the notorious evils which now existed. He had been called on by many parties to persevere with his Bill, as the hovels which were still left to the poor were a disgrace to a civilised country, and but for the operation of his previous enactment the outskirts of large towns would, at this moment, have been in ruins. As it was, the poor were now being driven into the towns, because there were no cottages for them; and, after the labour of the day, they were compelled to walk home some three or four miles to get to the neighbouring town. He could safely say that he had done everything which he could do in favour of the poor man, and he could not do more consistently with the main principle of the Bill.

Viscount BERNARD said, he trusted that the hon. Gentleman who had moved the Amendment would permit the Bill to go into Committee. It was admitted that the habitations of the poor in Ireland were bad; and the object of the Bill was to improve them. The mode by which the Bill proposed to do that was by encouraging persons who had the means to build houses, securing to them a fair and reasonable return for the capital invested. It was not in the country districts alone that the habitations of the poor were in the wretched condition that had been stated; but the same thing prevailed in the towns to an equal, and even greater, extent. At a recent inquest which was held in the city of Cork, the county surveyor stated that one-tenth of the whole of the houses in that city were unfit for habitation, and ought to be pulled down. Another witness on the same occasion stated that one-third of the houses in that city were in a dangerous state. He might, from his own experience, having had the command of a militia regiment at Ballincollig, in the county of Cork, also state, that the houses in which the married men of the regiment were obliged to sleep were of the most miserable character, and that he had been informed that nobody would come forward to build a better class of habitations unless some greater inducement was held out to do so than existed under the present state of things. Now that the blessings of peace were restored he trusted that Gentlemen would turn their attention to practical legislation of this description, for he was certain that nothing would more tend to raise the Irish people in the social scale than providing for them neat and wholesome dwellings, and encouraging in them cleanly habits. He begged to express his acknowledgments to the right hon. Baronet the Member for Canterbury for having introduced the Bill.

Sir DENHAM NORREYS said, he begged to tell hon. Members who spoke of exceptional legislation, that a similar measure to this was already in operation in England, with this difference, that, whereas the English law extended to houses under £20, in Ireland the maximum was, under this Bill, to be £9 10*s.*; and, further, that in England there was no restriction as regarded the quality of the tenement. He believed that the measure was solely calculated for the benefit of the peasantry of Ireland, and he regretted, therefore, the opposition which had been offered to it. If he thought that it was intended to give the landlords a more arbitrary power over the tenantry than they now possessed, he should not support the measure for an instant; but his right hon. Friend the Member for Canterbury (Sir W. Somerville) was, fortunately, the last man in that House who could be suspected of such an intention.

Mr. J. O'CONNELL said, he would not join in the criticisms—many of them unjust—which had been passed upon the Irish landlords; but he could not agree that it was desirable to give to landlords, who had already possibly tyrannised over their tenantry, the power of ejecting them and pulling down their cottages in order to do what?—to build magnificent mansions with two rooms, of which any English landlord would be ashamed! He was surprised that a Gentleman of so much practical benevolence as his right hon. Friend (Sir W. Somerville) could have brought in a Bill so contrary to all he had ever heard of his private character as a landlord and a gentleman. He could only suppose that his good nature had been imposed upon by somebody else. The powers proposed to be granted by the Bill were all against the tenant. There were no restrictions upon the landlords, who were not only to have those additional powers, but failing them could fall back upon their common legal remedy as landlords. He should oppose the Bill, and hoped he should be supported by the English and Scotch Members when he told them that the effect of the measure would be to increase the evils that had been denounced in the debate of the previous evening.

Mr. NAPIER said, that the Devon Commission in their Report had enlarged upon the necessity of elevating socially and morally the condition of the labouring classes; and if this Bill were calculated to raise those classes both morally and socially, what earthly objection could there be to allowing it to go into Committee? A great portion of the Bill had been unanimously sanctioned by a Select Committee of that House, and he believed that every man who had the interests of Ireland at heart would support it, the effect of it being to give to the labouring classes decent homes, the value of which no man could over-estimate.

Mr. MAGUIRE said, he was as anxious as any one could be for the improvement of the dwellings of the labouring classes; but his objection to the Bill under consideration was, that it gave to the landlord summary power of disturbing poor tenants, and evicting them not only from their houses, but also from their land and crops. He would be no party to giving additional power to landlords, which might be tyrannically employed. With respect to the state of the city of Cork, which had been alluded to by the noble Lord near him (Viscount Bernard) he asserted that if there were ruin, desolation, misery, and squalor in the habitations in towns it was the fault of the landlords, who received high rents and neglected their duty. If the right hon. Baronet would expunge from the Bill, its unnecessary and cruel powers, he would do all that he was able to asssist him in improving the dwellings of the poorer classes.

Mr. WILKINSON said, he should support the Bill on the ground that landlords could not be expected to build new dwellings, unless a return of the capital so invested were secured to them. No one could doubt that one of the very first steps towards raising a poor population in the social scale was to improve their habitations. All experience taught that, and every one knew that it was hopeless to attempt moral improvements in the midst of dirt and filth and squalor.

Mr. DEASY said, he hoped the hon. Member (Mr. Kennedy) would allow the House at once to go into Committee. All the objections which had been raised against the Bill appeared to him to relate rather to matters of detail than of principle, which he believed might well be discussed in Committee. He trusted that in so important a matter no further delay would be interposed.

Mr. MAGAN said, as an Irish landlord, he did not wish to have the powers which this Bill conferred. If the right hon. Gentleman would allow the process of ejectment to take place at the end of every half-year, instead of in the summary manner provided for in the Bill, there probably would be no objection to allow it to go at once into Committee.

Sir ROBERT FERGUSON said, he thought that the whole of the objections to the measure might be considered with advantage in Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

Clause 1,

"Provided that such tenement shall have been let by a written or printed agreement, as nearly as possible of the form in the Schedule to this Act, and that it shall have been expressly stated therein whether the said tenement and requisites should be maintained in a good and tenantable condition by the landlord or by the tenant."

Colonel GREVILLE said, he wished to propose an Amendment, the effect of which would be to throw upon the landlords of dwellings which came within the operation of the Act, the necessity of keeping them in repair.

Amendment proposed, in page 2, line 2, to leave out the word "whether" and insert the word "that."

Sir WILLIAM SOMERVILLE said, he must oppose the Amendment, on the ground that it would be more desirable to leave the question of repairs to be settled by an arrangement between the parties concerned.

Lord NAAS said, he should also oppose the Amendment, because he thought that it might deprive the landlord of the power of eviction given to him by the Bill in cases where the tenements were not in what might be considered proper repair.

Sir THOMAS ACLAND said, he thought that the substantial repairs should be made by the landlord, and the minor repairs by the tenant.

Mr. HORSMAN said, he considered that the Amendment was founded on a misapprehension as to what was the real interest of the tenant. It was by no means always to his interest that all repairs should be made by the landlord.

Sir WILLIAM SOMERVILLE said, he would suggest that the Amendment should be withdrawn, and that words should be introduced into the Bill, rendering it necessary that an engagement should be entered into between the landlord and tenant as to what repairs should be executed by each.

Mr. GEORGE said, the great difficulty was how to secure that the houses should be kept in repair, and he hoped that the right hon. Baronet (Sir W. Somerville) would persist in the clause as it stood. He objected that the Bill descended into minute details of legislation, thinking that such matters as that would be much better left to the good feeling of landlords and tenants. It would be ridiculous to legislate for the building of a pig-sty, or to lay down in a statute the precise position of a dunghill.

Question put "That the word 'whether' stand part of the clause."

The Committee *divided*:—Ayes 169; Noes 41; Majority 128.

Sir THOMAS ACLAND said, he had some apprehension that the effect of the clause would be to make the general tenure in Ireland a monthly one, but he trusted that no peculiar advantages should be given to that tenure.

Clause, as amended, *agreed to*.

Clause 2.

Mr. M'MAHON said, he objected to the reference to sections of Acts which were unknown to the majority of Members, and the incorporation of clauses of which the effect was likewise not known. He thought that paragraphs 1, 2, 3, and 4 of section 15 of the Summary Jurisdiction Act, which was referred to in the Bill, should apply to the rebuilding of tenements.

Mr. GEORGE said, he would recommend that those references to former Acts should, with the paragraphs referred to, be incorporated into a distinct clause.

Sir WILLIAM SOMERVILLE said, he would take care to prevent any misconstruction by an Amendment. He did not intend that the penal provisions in question should apply to the tenants.

Mr. M'MAHON said, it was necessary to provide for the prevention of the service of notice to quit on any other than the occupants of the premises.

Mr. BOUVERIE hoped the words would be retained, because service in that form was recognised by the English Statute Law.

Mr. BARROW said, that was notice of process after service of notice to quit.

Mr. G. BUTT said, he believed that if personal notice were required the whole enactment would lose its practical value, because tenants would evade the notice by absenting themselves for a short time from their homes.

Mr. J. D. FITZGERALD said, he would suggest that the words should be passed over now, but that on bringing up the Report all should be omitted after the words "the tenancy shall be determined by a written notice to quit." The effect would be to leave the question of service of notice to be interpreted by the common law.

Sir WILLIAM SOMERVILLE said, he would consent to omit, at present, the whole proviso.

Mr. M'MAHON said, he would not now press his objections.

Mr. LLOYD DAVIES said, he desired to propose an Amendment, the object of which was, that the notice to quit should not be for a shorter period than six months, where the tenement was in the country. In this country there was hardly a pigsty or a shed held under any less period of notice than six months.

Lord NAAS said, he thought that there should be notice given of the Amendment.

Mr. NAPIER said, he would suggest that the magistrate should have power to settle accounts between the landlord and tenant. Would it not be better to withdraw the clause?

Mr. BARROW said, he considered it an extreme means, to incorporate the provisions of former Acts, so far as they were applicable. It entailed great difficulties on the magistrate, and still more upon the poor peasant.

Mr. GEORGE said, he hoped that the Bill would preserve to the landlords the advantages which had been held out to them to induce them to raise better buildings for their tenants.

Mr. M'MAHON said, he wished to move an Amendment which should have the effect of limiting the reference in this Bill to the Summary Jurisdiction Act, so as to include the first paragraph of the 16th section of that Act, and not subsequent paragraphs of the same section.

Sir WILLIAM SOMERVILLE said, he would reconsider the clause, and would take care that the Summary Jurisdiction Act should not be incorporated with the present clause, so as to cause any confusion.

Mr. DRUMMOND said the principle of the Bill seemed to be, that a landlord had a prior claim upon the stock of a tenant before other creditors. He did not see that he had any more claim upon a tenant's effects than the shopkeeper with whom he might have run into debt.

Mr. HENLEY said, he thought it desirable as much as possible to encourage the rental of agricultural cottages by the year. A man might then pay his rent without difficulty out of his harvest wages, while if he had to deduct his rent out of his narrow earnings in the winter months he would have very little security for his holding.

Sir JAMES GRAHAM said, he had no doubt that the motives of his right hon. Friend (Sir W. Somerville) in bringing forward the Bill were most pure, benevolent, and excellent; but he had great doubts with regard to some of the details of the measure. He agreed with the right hon. Gentleman (Mr. Henley) that a tenure of less than a year was not conducive to the comfort and independence of the agricultural labourer. He had great doubt, also, with respect to the effect of the Bill in legalising the system of conacre in land. Half an acre of land was too much, and he thought that less than a quarter of an acre was the right quantity for an agricultural labourer, unless they wanted to introduce the system of conacre and small farming. He was afraid, also, if they gave the landlord a more summary power of ejectment than he had he might in some cases subject the occupier to summary treatment unless he paid the highest rent.

Sir WILLIAM SOMERVILLE said, he did not think hon. Gentlemen opposite agreed with the right hon. Baronet the Member for Carlisle as to the particular limit of land which should be introduced into the Bill. Considering the circumstances of Ireland, he had thought the quantity suggested a just medium. There was nothing compulsory or obligatory in the Bill which did not interfere with existing tenures. He only sought to improve the condition of the poorer classes in Ireland. The law was in a very unsatisfactory state in that respect. The labouring man in Ireland felt the greatest difficulty in procuring a home or a shelter. There was in the towns and market villages in Ireland a summary power given to the landlord, which he desired to extend. At present a labouring man could not procure a residence near the scene of his labour, and he had now to walk three or four miles to his work; and that evil would be remedied by giving the landlord the same power of recovering his property that was enjoyed in towns. The sanitary state of the people would be likewise much improved by taking means for their living apart from the towns. But he feared that a system of yearly or six monthly tenancy would not secure those advantages to the poor man. He was anxious to give the longest tenure possible, but he believed that the proposal he had made was the one most likely to benefit the labouring population of Ireland.

Mr. HENLEY said, he thought that it would be preferable to let the landlord and tenant make their own bargains, irrespectively of the Bill.

Mr. NAPIER said, he believed the Select Committee had been unanimous in agreeing to this particular proposal, and he therefore could not withhold his surprise at the remarks of the right hon. Member for Carlisle.

Mr. MEAGHER said, he did not think the Bill could pass with satisfaction to the House, and would suggest the withdrawal of the measure, or the bringing it in in an amended form.

Mr. HORSMAN said, the Bill had undergone considerable discussion, and nothing could have been more conciliatory than the tone adopted by the right hon. Baronet (Sir W. Somerville). He trusted that the Committee on the Bill might be allowed to proceed.

Mr. GEORGE said, he wished to point out the difference between the law of England and Ireland with regard to this description of tenancy.

Sir JAMES GRAHAM said, that in the rural districts he knew of no tenure short of six months. The terms suggested in the Bill certainly was not the practice in England, and he should be sorry to see the principle extended to Ireland. The tenure of cottages, whether in England or Ireland, at so short a period as three months, he should think most objectionable.

Sir JOHN SHELLEY said, that as the Bill was to apply to cottages not now in existence, he thought it would be well to leave the arrangement between landlord and tenant optional as to accepting a shorter tenure.

Mr. J. D. FITZGERALD said he would suggest the insertion of the words "any tenancy for a year, or for any less term" in the first clause, in order to meet the right hon. Baronet's objection.

Mr. G. BUTT said, he would recommend the withdrawal of the section of the clause to which objection had been taken. The clause as to the term of holding, he thought, would be beneficial to the poorer classes of Ireland. The Bill was strictly analogous to the law in England.

Sir WILLIAM SOMERVILLE said, he should deeply regret if another Session passed without legislation on this subject, but he greatly feared that if more progress was not made, the Bill would be indefinitely postponed. In deference to the general feeling of the Committee he should be ready, on bringing up the Report, to make the provisions of the Act applicable to every tenancy for a year, or any less term.

Mr. M'MAHON said, the right hon. Gentleman's concession would be a great boon to the labouring classes, and he begged to thank the right hon. Baronet (Sir J. Graham) for the observations which had led to it. He would implore the Government to put an end to the impolitic, exceptional legislation which had been applied to Ireland from the time of Dean Swift to the present day. It was preposterous to say that the condition of the labouring classes would be improved by giving greater powers of eviction to landlords.

Mr. KIRK said, it was necessary, in order to improve the deplorable condition of Irish agricultural labourers, to make such a change in the law as would induce landlords to build comfortable dwellings, and he believed the Bill under consideration was calculated to effect that object. He was surprised that the right hon. Baronet (Sir J. Graham) should have confounded the system, which the Bill proposed to introduce, with the conacre system.

Sir JAMES GRAHAM said, he had not said that the Bill would introduce the conacre system, but that he was afraid it might lead to the introduction of that system. He was afraid that when a tenant held less than half an acre for a less term than a year, at a rent of £7 or £9, a landlord would be able to exercise his right at a week or a month's notice, and proceed summarily to eviction.

Mr. KIRK said he would refer the right hon. Baronet to the fourth section, which provided that the outgoing tenant should have compensation for crops.

Mr. KENNEDY said, he objected to the Bill, both in principle and detail.

Mr. BRADY said, he now would beg to move an Amendment in that part of the clause which enumerated the requisites to be provided for every tenement, to the effect that it should be furnished, in addition to a water-closet, with "a proper fall and drainage therefrom."

Mr. FORTESCUE said, they were, in his opinion, losing time in discussing such an Amendment. The question really was not whether the objects of the Amendment should be carried out, but whether the poor were to have any houses at all. The hon. Gentleman reminded him of Canning's ballad, where the philosopher, who was asked by the poor man for his dinner, gave him a dissertation on the rights of man. They were, in fact, invited to discuss the luxuries of legislation, when they ought to be satisfied with necessaries.

Sir WILLIAM SOMERVILLE said, he must oppose the Amendment as unnecessary.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 53; Noes 174: Majority 121.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 24; Noes 159: Majority 135.

House resumed: Committee report progress.

House adjourned at seven minutes before Six o'clock.

* * *

HOUSE OF COMMONS,

Thursday, May 1, 1856.

MINUTE.] PUBLIC BILL.—1° Scientific and Literary Societies.

THE CRIMEAN INQUIRY—QUESTION.

MR. PALK asked the Under Secretary for War, whether the examinations already taken before the Court of Inquiry now sitting, and presided over by Sir Alexander Woodford, would be laid upon the table of that House, and when? also, whether Her Majesty's Government contemplated any measures for the more efficient organisation of the medical and hospital staff, and of the Commissariat, or whether it was intended to reduce those departments to the same peace establishment which was found so inefficient at the breaking out of the war; also, whether it was true that a militia regiment had been called out for service within the last two or three days?

MR. FREDERICK PEEL said, that there could be no advantage in publishing a mere fragment of the proceedings which had taken place before the Board of General Officers. He reminded the hon. Gentleman that, by the warrant constituting that Board, they were required to present their report to the Horse Guards, and up to this time they had presented no report which could be laid before the House. In answer to the second question, he had to state that, of course, some reductions would be made in various departments of the army in consequence of the peace, but it was intended to maintain them on an efficient footing. With regard to the militia, no regiment had been recently embodied for permanent service, and, if any had been called out, it must have been one of the disembodied regiments called out in the usual way, for training and exercise.

CUSTOMS' DUTIES AT SPANISH PORTS—QUESTION.

MR. LIDDELL asked, whether the attention of Her Majesty's Government had been called to the refusal of the Spanish Government to refund to the firm of Messrs. Clementson (Newcastle-on-Tyne) the amount of the excess of duties levied at Tarragona, in October last, upon a carge of iron shipped by them to that port; and whether, after the repeated remonstrances that had been addressed by Lord Howden to the Spanish Government upon the subject, Her Majesty's Government were prepared to take steps to insure the payment of the money, and to protect British merchants in future from the extortions of the Custom-house authorities of the Spanish ports?

VISCOUNT PALMERSTON: The matter to which the question of the hon. Gentleman relates has occupied for a considerable time the earnest attention, both of Her Majesty's Government at home and of Her Majesty's Minister at Madrid. It is needless to enter into the merits of the case, because the justice of the claim was, after full investigation, entirely admitted by the Spanish Government, and a promise was made that the amount over-exacted should be repaid. I am sorry to say that up to the present moment that promise has not been fulfilled. Various excuses, of different kinds, have been made; but my noble Friend at the head of the Foreign department saw yesterday, or the day before, the Spanish Minister at this Court, and he promised that immediate payment should be made. With regard to the general question, I am sorry to say that it is well known that the Spanish Government is not, of all Governments, the most ready to acknowledge and satisfy pecuniary claims; and though the present Government ought, from well-known facts, to be ready—not to show favour to British claims, but to do justice to them—for we never asked for more than justice—yet I regret to say that they have not shown that promptitude to afford satisfaction to the just claims of British subjects which might have been expected from any Government, more especially from that which now rules the affairs of Spain. I can assure the hon. Member that no exertions will be omitted on the part of Her Majesty's Government, either with respect to this case or to any other in which subjects of Her Majesty have similar claims to urge.

THE TREATY OF PEACE—EXPLANATIONS.

SIR HENRY WILLOUGHBY asked the First Lord of the Treasury whether he would lay upon the table any map or plan delineating clearly the boundary on the north of the Danube between Bessarabia and Moldavia?

Viscount **PALMERSTON**: That boundary is so accurately described in the words of the Treaty, that if any hon. Member will have the goodness to look at a good map of the districts, he will have no difficulty in tracing it. Beginning from the Black Sea, something less than a mile to the east of Lake Bourna Sola, and running perpendicularly to the Akerman road, it follows that road to the Val de Trajan till it reaches the River Yalpuck. It then goes up to the Height of Saratsika, and terminates at Katamori, on the Pruth. That boundary has yet to be laid down on the ground, and a Commission is to be appointed for the purpose of going on the spot and laying it down. It leaves all the islands of the Danube on a parallel with the Pruth, and the lower part of the Pruth, as belonging to Moldavia.

Lord **JOHN MANNERS** referred to the following passage on page 16 of the Protocols:—

> "Count Walewski observes that Russia had erected forts on the eastern coast of the Black Sea, which she had herself in part blown up, and that it will be necessary to come to an understanding in this respect. The Earl of Clarendon, relying specifically on the principle of the neutralisation of the Black Sea, proceeds to show that these forts could not be rebuilt. The Russian Plenipotentiaries, setting up the distinction which, according to them, exists between these forts and military marine arsenals, maintain the contrary opinion. The consideration of this point is adjourned."

Now, he (Lord John Manners) could not find any further reference to this most important subject; and he wished, therefore, to ask the noble Lord whether the discussion upon it was ever resumed? If so, with what result?

Viscount **PALMERSTON**: There was a discussion upon that point, but it led to no definite result. There is nothing in the Treaty that specially applied to those forts.

Lord **JOHN MANNERS**: It is not clear, from the reply of the noble Lord, whether the discussion was resumed or not.

Viscount **PALMERSTON**: Every discussion that took place in the Conferences of any formal character is recorded in the Protocols.

THE ADJOURNED DEBATE—FALL OF KARS.

Viscount **PALMERSTON** having move that the Orders of the Day be postponed,

Mr. **DUNLOP** said, he did not rise to oppose an arrangement which had been come to between the leaders of both parties, but he could not help protesting against its injustice to private Members having charge of Bills. The day before the Easter recess he proposed that on Thursdays Orders of the Day should have precedence over Notices of Motion; but his proposal was, on the suggestion of the Government, postponed. This was the first day on which Orders of the Day would have precedence, and on the faith of that, the noble Lord the Member for Woodstock (the Marquess of Blandford) had fixed it for the second reading of his important Bill; so had several other hon. Members; and as, after the 29th, Government Orders would have precedence, the result of the proposed arrangement would be to throw over those Bills for the Session. And, he would ask, for what object? The hon. and learned Member for Enniskillen (Mr. Whiteside) and his friends had declined to go on with the debate, the other night, after twelve o'clock; the noble Lord (Viscount Palmerston) had not thought it consistent with the public service to give up a public day, and now it was proposed to throw over the Bills of private Members simply in order that they might listen to five or six speeches. The practical result of the hon. Member's Motion was known, and all interest had gone after the division on Tuesday night. Excellent, therefore, as the speeches they were to hear would no doubt be, he could not help thinking that they might have been kept for another time.

Viscount **PALMERSTON**: Really, Sir, I don't think I am the person the hon. and learned Gentleman ought to appeal to. We on this side of the House were perfectly willing, at whatever inconvenience, to have gone on with the debate to any hour of the morning to which it might fairly have lasted. But who was it that stopped us? It was the hon. and learned Gentleman himself. After the House had affirmed, by a large majority, that it would not adjourn the debate, the hon. Gentleman moved that the House should adjourn. Really, I must say, however disappointed the hon. Gentleman may be, I consider that the question before the House is one of great importance, otherwise the hon. and learned Gentleman the Member for Enniskillen would not have brought it forward. Hon. Gentlemen must therefore take their chance of another day.

MR. CRAUFURD must add his remonstrances to those of the hon. Gentleman against this course of proceeding. He was himself a sufferer by it, but he would not have alluded to it on any mere personal ground. He had put a notice on the paper for Thursday, the 17th of April, but when he came down, ready to bring forward his Motion, there was no House. The next time he had an opportunity of bringing it on was at one in the morning, and as it was an opposed Bill, it was of course out of the question to do so at that hour. He had, therefore, postponed it to this day; and he was now encountered by one of those Scyllas and Charybdises, an adjourned debate — an adjourned debate upon a factious Motion, adjourned factiously. He did not see why he and other private Members should have their Bills thrown over in this way, especially as it was no benefit to the Government of which he had the honour to be a supporter.

Motion *agreed to.* Orders of the Day *postponed.*

THE FALL OF KARS—ADJOURNED DEBATE—(THIRD NIGHT).

Order read for resuming adjourned Debate on Amendment [29th April] proposed to Question [28th April]—

> "That, while this House feels it to be its duty to express its admiration of the gallantry of the Turkish Soldiery, and of the devotion of the British Officers, at the siege of Kars, it feels it to be equally a duty to express its conviction that the capitulation of that fortress, and the surrender of the army which defended it, thereby endangering the safety of the Asiatic Provinces of Turkey, were in a great measure owing to the want of foresight and energy on the part of Her Majesty's Administration."

And which Amendment was, to leave out from the word "Kars" to the end of the Question, in order to add the words—

> "It is of opinion that it is not expedient to offer any judgment on the causes and consequences of the capitulation of that fortress until the House has had an opportunity of considering the terms of the Treaty of Peace, and the Protocols of the Conferences recently held at Paris, now laid upon the table," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Viscount Palmerston

SIR BULWER LYTTON: Sir, after the discussion which has taken place on the Orders of the Day, I feel it becomes me to assure the House, and more especially those hon. Gentlemen to whom my Motion for the adjournment of the debate from Tuesday last has occasioned inconvenience, how wholly unconscious I was at the time that the Motion would have been opposed by the noble Viscount (Viscount Palmerston). I had no personal wish to gratify in moving the adjournment; it was not my intention then, nor is it now, to address the House at any great length; I was urged to make that Motion by several hon. Gentlemen whose wish to prolong the discussion was entitled to respect. I looked to the opposite benches; I saw that many of the Members most accustomed to adorn our debates had not yet spoken, though they had been pointedly appealed to. I looked to the Treasury bench; only one Cabinet Minister, the Chancellor of the Exchequer, had addressed us, and that at an hour when the House was so empty that few indeed had been able to profit by his elaborate defence of the Government, or the interesting memoir of the Turkish loan by which that accomplished historical critic relieved the dreary chronicle of the decline and fall of Kars. At half-past twelve o'clock I had, therefore, considered that the adjournment had become a matter of course, and I never was more surprised and vexed than when I found that a second time in my life—and this time, at least, innocently—I had occasioned to the noble Viscount a degree of angry excitement, which, whether genuine or simulated, overcame for the moment his ordinary urbanity and polish.

Sir, the best amends I can make for my unintentional offences is to condense as much as possible what I have to say, and deal as little as I can with familiar extracts from this book. Indeed, I would chiefly confine myself to what I hope will be fair replies to the arguments of hon. Gentlemen opposite. Sir, the hon. Gentleman the Member for Aylesbury (Mr. Layard), who commenced by saying that he could make a much better defence for the Government than they had made for themselves, appeared to rest much of that defence upon an exaggerated estimate of the charge which was brought against them. He said—

> "He thought they had committed serious mistakes, but that it was unfair to assert that the fall of Kars was solely attributable to the want

> of foresight and energy on the part of the British Government alone. That proposition entirely passed over the French Government, which, after all, might have had some share of responsibility for that event."

Sir, this Resolution does not exclusively ascribe the fall of Kars to the English Government. If it did, fair is fair; and the Resolution would not have my vote. But the question is, whether, among other causes, the want of energy and foresight on their part did not, in great measure, contribute to that disaster? The hon. Gentleman speaks of France. I may touch upon that point later. But here, in the meanwhile, is a Correspondence between an English Government and an English Ambassador as to the due support to be given to an English Commissioner from the date of September, 1854, to the date, we will say, of June, 1855; and in all this France is not a consulting party. This Commissioner had been sent to Asia not only to report on the state of disorganisation in which our Government already knew that the Turkish army had long been, but to use all means at his disposal to ameliorate its condition; and this very book is published to show that the English Government and the English Ambassador between them failed to place at his disposal any adequate means whatsoever. That fact, whether or not the fault entirely rests with the Turkish Administration, the Government takes the greatest pains to establish from January 11, 1855, when Lord Clarendon writes to Lord Stratford, "that little has been sent to Kars, with the exception of some ball cartridges," to the date of the fall of Kars, November 21 (four days before the capitulation), when Lord Clarendon writes the letter which provokes so severe a comment from my hon. and learned Friend the Member for Enniskillen (Mr. Whiteside)—

> "That that neglected garrison will at least have the satisfaction of knowing that their sufferings troubled the sleep and repose of the Turkish Ministers, who, in default of all ordinary measures of relief, never ceased to pray for their safety and success."

And now, Sir, the question is, whether there were not other Ministers besides the Turkish whose repose that neglected garrison might have troubled, and whom the default of all ordinary measures of relief might have inspired, not only with the piety of prayer, but the humility of repentance. The hon. Gentleman the Member for Aylesbury referred to the despatches of Lord Clarendon with great praise, and my hon. and learned Friend the Attorney General, as well as the hon. Member for Leominster (Mr. J. G. Phillimore) seemed to think those despatches a sufficient proof of the energy and foresight of the Government. Nay, the Attorney General said, what more could they do? Sir, in much of the praise bestowed on these despatches I heartily concur. I think many of them excellent. I will go further and say that if despatches alone could have saved Kars, Lord Clarendon would have saved it. But if one thing should be more clear than another to the excellent understanding of those hon. Gentlemen, it is that despatches alone and letter-writing, of whatever kind, were wholly insufficient for the purpose, and that the inventive genius of the English Government should have devised some other mode for the relief of Kars and the security of Asia. It is perfectly true that Lord Clarendon faithfully reports to Lord Stratford, General Williams's complaints. He wants cavalry, he wants artillerymen, he wants reinforcements, ammunition, provisions, above all he wants money, and Lord Stratford, with all his faults, very fully explains that for all these purposes the state of the Sultan's revenue is wholly inadequate, and very lucidly shows that corruption and peculation, having been the habit for generations of an Eastern Government, cannot be reformed in a day, no matter how sincerely the Porte may desire it—cannot be reformed in time for you to rely on that reformation for the safety and defence of Kars. Lay what blame you will on the inherent vices of the Turkish administration, still one fact comes clear from this correspondence, and that fact the Chancellor of the Exchequer has failed to grapple with. It is said, as to reinforcements in the spring, you could not withdraw men from the Crimea. Granted. But, if men you had not, money you had; and a moderate sum of English money placed at General Williams's absolute disposal would, in spite of all the abuses of Oriental lethargy and corruption, have thrown into Kars ammunition and provisions sufficient to defy and outlast the Russian blockade. For how did Kars fall at last? Not for want of men; it had at the time of the capitulation a much larger proportional force than the besieging army. Every one knows that Kars was conquered by famine. We are told that the Russian General would have raised the siege when Omar Pasha entered Georgia, if he had not learnt from an Armenian spy that there were not more than a fortnight's provisions in the garrison.

But while England was cheerfully taxing herself to the utmost to save his dominions to the Sultan, not a shilling of her money goes to the aid of the English General who is holding the fortress on which those dominions and—not indeed in the opinion of the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) but of Omar Pasha—the safety of the Turkish capital itself may depend. For, says Colonel Simmons in a despatch to General Simpson, July 12, "The Government inform Omar Pasha if Kars should fall there is no force to prevent the Russians marching directly upon Constantinople," and Omar Pasha credits that information. Surely, the Chancellor of the Exchequer might have been a little more in the confidence of the Secretary of State for War, and he would then have told us with that unvarnished severity of candour with which he does sometimes tell us very disagreeable truths: "I am about to raise several millions for the vigorous prosecution of the war; by and by there may be a Turkish loan to consider, but I can tell you, for your comfort in the meanwhile, that not one sixpence of your money will go to General Williams in defence of the great key of Asia Minor; which, indeed," says the Chancellor of the Exchequer, with an easy confidence I should not have expected from so grave an intellect, "if lost, the easiest military operation would be all that was needed to recapture." Permit me to ask the Chancellor of the Exchequer, not as a military but as a financial authority, whether it would not have been much cheaper to save Kars than to recapture it? But, if there be some valid reasons, which the Chancellor of the Exchequer has wholly failed to show, why you could not place English money directly at the disposal of your English Commissioner and General, what is the strange reason set up by the right hon. Gentleman against application to Parliament for a grant expressly for the relief of Kars? Why, that the amount would have been contemptible. Apply to Parliament for £100,000 or £200,000! A Chancellor of the Exchequer could not so degrade his financial dignity. There was something respectable in the lavish subsidies we granted to foreign nations in the French war, but to come to Parliament for £100,000 or £200,000 was below the dignity of a Chancellor of the Exchequer. Sir, the answer is obvious. It is not the sum given, it is the use to which it is to be applied that it becomes a Statesman to consider. And if Dr. Sandwith is right in saying that, had General Williams had absolute control (or for means of control" we must say plainly "funds") in the special question of the Commissariat, Kars would have been saved—if that be true the simple question for the House would have been, what sum would suffice for that purpose? "But," said the Chancellor of the Exchequer, "we must have had the same securities for that grant as for the larger loan, and been subject to the same delays." No; if you had been freed from the joint guarantee of France, and in earnest for the relief of Kars, the country would have forgiven you if you had made the grant as an advance in anticipation of any loan afterwards required, and all tedious securities for the moment might have been dispensed with or deferred. Where there's a will there's a way. But if you would neither give the money direct to General Williams nor apply for a special grant for the provisioning and relief of Kars, why, when you learnt, in 1854, that the Turkish revenues were so inadequate, could you not have come to the House with that or some similar proposition in the spring, and not deferred it to creep through the Legislature in August, when its application could be no longer of the slightest assistance to that garrison? Sir, the Attorney General said, in his terse and argumentative speech, that a reproach on that score could not well come from those who had opposed the Turkish loan in July. That may be a good House of Commons' argument, but it is not an argument to common sense. Sir, I was not in the House at the time of that debate. I had paired off for the rest of the Session. If I had been present I should have voted for the loan; but on referring to the debate, I find that the objections made were not against the principle here at stake—the relief of Kars—but to the joint guarantee with France; and I appeal at once to the candour of the noble Viscount (Viscount Palmerston), and I ask him whether, if, in the spring, the Government had come to this House and said frankly, upon the information they possessed, but of which this House was wholly ignorant, that, without such pecuniary aid to Turkey, Kars might be lost, and with that loss the honour of the British name be tarnished and Constantinople left defenceless—I ask him, I say, whether the conduct of Gentlemen on this side the House in the prosecution of the war—nay, even the conduct of the warmest advocates for peace—has been such as to lead him to suppose that any mere financial objections, though they might have been temperately stated, would ever have been urged by us to a hostile division? By one of these modes — either by sending money directly to the Commission, or by a grant made expressly for the relief of Kars, or even by a Turkish loan with the direct understanding that a portion of it should go, under the direction of the British Government to the relief of Kars— by one or other of these means Kars might have been easily supplied with arms and provisions. But on the 3rd of August, when Lord Panmure is urging the adoption of the Turkish loan on the House of Lords, and Lord Ellenborough is pointedly calling your attention to the distressed state of Kars and the neglect of the war in Asia, well may my learned Friend the Member for Enniskillen (Mr. Whiteside) remind you of Lord Panmure's reply, "that Turkey in that quarter is well able to maintain herself." And Lord Panmure says this, in the teeth of these despatches, published to show how utterly helpless in that quarter Turkey alone then was—in the teeth of Lord Clarendon's letter to Lord Cowley on the very same day, the 3rd of August, in which Lord Clarendon says, "It is clear, without assistance the whole Turkish force in Asia must be destroyed or captured"—and when it was Lord Panmure, who, in the previous month, the 16th of July, had rejected the proposals of Turkey to defend herself, and without having preconcerted any means of his own by which Asia might be saved. And the hon. Gentleman the Member for Aylesbury, who rarely speaks without some—doubtless just but—complimentary allusion to his own peculiar frankness and honesty, which, indeed, I never before questioned, which I will not question now, eulogised that assertion because it is untrue, and thinks a British Minister justified in deceiving Parliament and the country in order to impose upon the Russian general a hollow brag, which, in the month of August, when that general was blockading Kars, could not have deceived him for a moment. Nay, the hon. Gentleman thinks that Lord Panmure did not go far enough. "If I," said he, "had been in Lord Panmure's situation, and was asked in August what was the state of the army in Asia, I should have certainly said it was immensely strong, and supplied with provisions, arms, everything, for ten months." Sir, the hon. Gentleman has compared himself, with Homeric simplicity, to a dog upon a racecourse, shouted at by both parties and sometimes whistled to within the ropes. There is a familiar saying applicable to those faithful animals, "Brag is a good dog, but Holdfast is a better." On this side the course we would always whistle to Holdfast; we must leave it to the other side of the course to find more enticing allurements for Brag.

Well, Sir, let me now touch upon a point which, though it did not affect the fall of Kars, still shows that spirit and predisposition on the part of Lord Panmure to which I think the fall of Kars may be in a great measure ascribed. No sooner does our Commissioner arrive in Anatolia, than he tells you that from 10,000 to 12,000 men had perished in the hospitals in the previous winter, and asks for a few English surgeons. The Duke of Newcastle, on whose humanity, at least, there never rested a stain, promptly replies to that appeal on the 6th of November, and directs inquiry whether the Turish Government will consent to place the hospitals at Kars and Erzeroum under the superintendence of three or four English or French army surgeons. But when, that complaint not being redressed, Lord Clarendon, with humanity equal to the Duke of Newcastle's, encloses, through Lord Wodehouse to Mr. Peel, April 16, 1855, a despatch from General Williams and a medical report from Dr. Sandwith to Lord Panmure, and begs to suggest to his Lordship whether it would not be expedient to send out some surgeons to the Turkish army; what is Lord Panmure's reply, through Colonel Mundy, April 21—an ominous date, almost simultaneous with Lord Panmure's frigid despatch of April 12, in which he had met the request for reinforcements by a languid recommendation to the Porte, "to pay attention to these requirements whenever the more pressing need of the Ottoman troops elsewhere shall have ceased?" That was his reply about troops. What his reply about surgeons? That, "in supplying the army under Omar Pasha, and the Turkish Contingent with a medical staff, he does not see much prospect of being enabled to send medical aid to the province of Anatolia." True, he graciously adds, "that he will endeavour to do so to a limited extent, as soon as he has provided for the other two services." Yes, as soon as

Russian Generals save him the trouble, and Russian surgeons are dressing the wounds of the men to whom Russian magnanimity is kinder than English care! Talk of foresight! When you sent General Williams to ameliorate the condition of the Turkish army, the necessity of European medical aid was the first requisite to foresee. Talk of energy! when that medical aid was imperatively required, and again urgently pressed, why, an advertisement in *The Times*, offering good remuneration to young surgeons, would have brought you applications by the hundred. At that very time, as a Member of Parliament, I was beset with requests from young medical students to obtain them employment in the Crimea. You say that the Turkish Government is alone to blame for not attending to the requests of your Commissioner; and here, when your Commissioner sends a request direct to you, backed by the Foreign Minister to the Secretary for War, for what is entirely under his own control, the laziest Pasha in all Asia could not have treated that request with more supreme indifference. And while you are laying the whole blame on the Government of the Porte, do not forget that that Turkish Administration, with all its Oriental languor and institutional defects, had achieved vast things without the mighty aid you sent to its defence in Asia. When it stood alone, before you came to denounce its deficiencies without supplying them by adequate resources of your own—when no jealousies of the foreign Christian obstructed its action and divided its responsibilities, it coped gallantly with the might of Russia. What is your aid, and what its result? "Oh," says the Attorney General, "we took 20,000 Turkish soldiers into English pay." Yes, and when those soldiers are wanted for the defence of Kars they cannot budge a step. In the spring, General Williams writes that if he is to have no aid from the Allies he shall require in all 20,000 Turkish soldiers for reinforcement. You have taken these 20,000 Turkish soldiers to yourself—that is the reason why they cannot be sent to Kars. This is your aid, and this is its result. And now there is an assertion made by the Chancellor of the Exchequer which compels me to enforce on you the practical mischief that was effected by the doubtful position and equivocal authority assigned to General Williams—nominally a Commissioner, in reality a General; nominally under the orders of the Turkish Commander, but the Turkish commander instructed by your Ambassador to defer to the advice of General Williams. Well may Omar Pasha place in that luminous memorandum, page 272, of this book, among the foremost causes of the misfortunes that had befallen the army in Asia, that its General was not invested with full powers. "But," says the Chancellor of the Exchequer—and the Attorney General has said it before him—"the Government cannot be blamed because they did not furnish General Williams with an authority that could only emanate from the Porte." Certainly not; but you are to blame if you left his position doubtful in the eyes of English officials. I don't excuse Lord Stratford for neglect in correspondence; I don't accept the defence set up for him; but enough has been said on that score by others, and it is not the general practice of this House nor the true principle of the constitution to saddle all this blame on the absent diplomatist—not here to defend himself—when we have before us the Government who, constantly grumbling at his ill success, still maintain him in his post. Nor will I even blame them for doing so. All I say is, that those who heap all the blame on the agent do not understand the English constitution if they acquit the employer.

But I must again remind you, since it has not been answered, that, when Lord Stratford, stung by the complaints of General Williams, writes to you on February 19th, 1855:—

> "It is desirable that I should be made acquainted with the extent of General Williams's powers on the spot, with the degree to which he is independent of the Commander in Chief, how far it is thought expedient by Her Majesty's Government that I shall insist upon obedience to his demands without reference to any doubts entertained of their expediency either by the Porte or by me."

to these questions, which gave you so good an occasion to strengthen General Williams by defining and enforcing the authority of one who had proved so worthy of his charge, no answer whatever appears in this book. The Attorney General says, that after your rebuke there was no lack of punctuality in correspondence on the part of Lord Stratford; that is not the case; so little is he affected by the rebuke that, so late as May 1st, 1855, General Williams writes to Lord Stratford—

> "Several weeks ago I addressed your Lordship on the necessity of my having authority direct

from Constantinople to take an active part and have a decisive voice in the purchase of provisions for this army; but, although Lord Panmure has expressed his decided sentiments on this vital point, I have not received a line in allusion to it from your Excellency."

These applications are on the subject of provisions;—they receive no answer, and it is for want of provisions that Kars falls in November. You may say that the energy of General Williams surmounted the neglect of the Ambassador, and that by his individual exertions he gets provisions enough into Kars to last for four months; but you are informed by his despatches that unless relief be sent before then the perspective of Kars must end in the vanishing point of starvation. And this brings us to the camp at the Crimea, and shows that it was your omission more stringently to enforce the authority of General Williams, which appears to have been yet more injurious to his weight in the camp of the Crimea than in the Ottoman Porte—that it proved fatal to the rescue of Kars at the very moment when the fate of that garrison was the most imminent; for when, on July 15, Omar Pasha addresses the allied Generals and Admirals for the adoption of his plan of relieving Kars by an army of diversion, his note is written in consequence of information contained in a despatch from General Williams to Lord Raglan, dated Kars, June 23; but the allied Generals refuse to give any opinion, on the ground that they "have no information from their respective Ambassadors at the Porte to lead them to suppose that the affairs of Asia are in the precarious state in which Omar Pasha, from the information he had received from his Government, believed them to be." Yet Omar Pasha founds his representations on the despatch of your own Commissioner to your own General in Chief; and so little weight have you given, in your head quarters in the Crimea, to the hero who is defending Asia, that even an opinion is delayed upon the alleged absence of that information which your Ambassador had not given—which your Commissioner had given—and the only man who attended to it is the General of the Porte, which you accuse of indifference to the fate of Asia and disrespect to the representations of your Commissioner! And it is you who sneer at the apathy and sloth of the Government of the Porte! Why, when at last, in the month of June, it is clear that there must be some plan to succour and reinforce the garrison of Kars, does that plan first proceed from your energy and foresight? Do you send to this lazy Divan from your European councils of war a profound premeditated scheme, with all its preparations complete? No; it is from the Porte and its generals that the first scheme emanates, and it finds you prepared with nothing but objections. Just as you let the war drift to the Crimea, so you had let it dribble into Armenia. Unwarned by the past calamities, exactly on the same principle which allowed you to land in the Crimea without tents, without knapsacks, without winter provisions, without an army of reserve, you throw General Williams into Kars—you leave him to the mercy of the corrupt system, the vices of which you know beforehand—you provide no requisite by which the faults of that system are to be counteracted; and when an army is proposed to be sent to his aid, you are not even furnished with a strategy or the conception of one. For if you would refer to your first plan, by Trebizond, which you hastily proposed, it is clear that that plan was never premeditated, since you were not aware of any of the objections which would be made against it. Why was General Williams at Kars? To defend it from the Russians. Early in the spring of 1855, preparations for a Russian army had commenced at Gumri. Did it ask the vision of a prophet to know that that army would besiege Kars,—that, if besieged, an army of relief or diversion would be required? Did you once think beforehand what you would do in such a contingency?—had you one scheme for the raising, for the transport, for the movement of such an army? Or did you mean to leave it entirely to the Porte to effect all these operations?—If so, you had no right to obstruct the operations which the Porte advised. There seems to me no excuse for the want of some premeditated scheme of your own. You had Omar Pasha in your own camp. He was surely as sincere as you for the defence of Asia. You might have communicated with him from the first in the spring of 1855; discussed beforehand and settled all the objections which paralysed you at the last; arranged some plan for a relieving army—whether under him, if he could be relieved from Sebastopol, or some other general if he could not—some plan to be adopted if Sebastopol was taken, another if it was not; and when you allege as an excuse for procrastination in July and August the necessity of consulting France and obtaining her consent that is no excuse if in the month of

April or May you could have consulted with France on some contingent scheme for a relieving army to be modified according to varying circumstances, but equally to be acted upon whenever the time arrived, and so prevented all that scramble and bewilderment of cross purposes which close this melancholy record with one medley of hopeless confusion and inevitable disaster. But no, when the Russians are before Kars you seem as much astounded as if they had dropped from the moon. Reinforcements, relieving armies are then really necessary; where are they to come from, where are they to go? Shall they proceed to Trebizond? shall they go by Redout-Kaleh? shall General Vivian take his contingent? how shall Omar Pasha make up the force drawn from the Crimea? I do not pretend to say what plan you ought to have adopted—that is not my province. I have my ideas, like others, but it is not for me, in an assembly which boasts of British officers so distinguished—of one so preeminent, whom I now see before me (General Sir De L. Evans)—to point out or criticise a strategy. All I say is, that some strategy or another should have been devised in time, and its necessity not burst upon you by surprise, first communicated to you by a perplexed Ambassador, to whom you had never given a hint before as to what plan you would prefer, and finding you without an original conception of your own. A great military authority has said that "A good general may be beaten, but can never be surprised." Surely the same thing should be said of a Minister for War. He should have a choice of plans ready for any probable emergency, but the one or the other, adopted by previous concert with his generals and Allies for prompt action the moment prompt action is suddenly called for.

Then we come to the natural consequence of this preliminary, effete and impotent correspondence—that indescribable mixture of hurry and torpor, of contradictory orders to and fro, which, in the month of July, prepares us for the catastrophe of November. Dr. Sandwith tells us that the meaning of Bashi-Bazouks in English is "spoiled heads." In the month of July we had plenty of Bashi-Bazouks in our councils of war. And if ever that respectable force should want for their war department a spoiled head in perfection, I think we could furnish them with some very eligible candidates. But now, in that month of July, out of this cloud of despatches, emerges the awful form of our Minister for War. All is breathless with expectation. Can Kars be saved? It is the fifth act of the tragedy, and our *Deus ex machinâ* descends. Only there is this difference between him and the *Deus ex machinâ* of the ancient stage; when the god, there, descended from his cloud, it was to solve the difficulties and complete the action; when our *Deus ex machinâ* descends, it is to increase the perplexities and obstruct the plot. The moment to stir has arrived—the only question is, how to stir and whom to stir?—and Lord Panmure takes that brilliant occasion to deliver his oracular essay upon the virtue of caution. "Do not risk," he exclaims, "the honour of the British name and your own reputation by undertaking military operations for which proper bases have not been laid, communications opened, transports provided, and supplies arranged." Why, good heavens, Sir, certainly not. But if all these things were wanting to save Kars, secure the frontier of Asia, and the road to the Turkish capital, in July, 1855, after all the warnings these repeated despatches contained—why, on earth, have we had a Minister for War? If you are so careful of the honour of the British name, why commit that name to the defence of Kars, in September, 1854, and, in July, 1855, not be prepared with any means to preserve it? For, don't let the Chancellor of the Exchequer flatter himself that English honour was in no way concerned in the fall of Kars. The eyes of England and of Europe had already turned to the grand image of that English soldier who was there, with his three or four dauntless countrymen, embodying and supporting the renown of his whole nation. General Williams and Kars could no longer be divided. That Englishman was Kars, and Kars was that Englishman—and both together, if saved by your energy and foresight, would have closed this war with a glory, not only to English valour, but your English councils, which would have covered all your blots at Sebastopol. "Organisation," says Lord Panmure, "is as necessary to any army as endurance and valour." Nothing was ever better said. General Williams had the endurance and the valour for the defence of Kars—what has Lord Panmure to say as to the organisation for its relief? In Dr. Sandwith's graphic account of the Russian army before Kars—the soldiers in warm huts, with fireplaces, the officers with glazed windows, the admirable well-being of the enemy we have been taught to look down upon as comparative barbarians—who could help contrasting those sleek, carefully-provided-for, thriving soldiers with the famished spectres whom our Government, with all the wealth of England at their disposal, and dropping so lavishly elsewhere from their spendthrift fingers, had left for fifteen months to struggle and to starve—to whose wounds our Secretary for War could give slight hope of medical aid—for whose succour he could devise no plan of relief, until he says, "It is too late even for regret"—until the Russian general (honour to his name!) is shedding tears of generous sympathy for his ill-used and deserted foe—until the population of Kars are crowding round to kiss the departing stirrup of the man who had implored you not to forget him, and "the remnant of his army"—until General Williams says, "I am a prisoner," and ought to have added, "and Lord Panmure is the British Minister for War."

But it is said that the affair is over—the evil irremediable. The affair is not over. Discredit and its consequences remain. The Chancellor of the Exchequer says that the fate of Kars did not influence the Articles of peace. Possibly. But will you deny that if ever again—which Heaven forbid!—we are at war with Russia for the defence of Turkey, that war will come from the Asiatic frontier, in which the fall of Kars has permitted Russia to retain the menace of her forts and garrisons? But are we to hold the doctrine that because the offence is past the offender is to go free? That is not the line of argument our Government adopts towards the Porte. Their correspondence closes with vehement demands that the Porte should dismiss Selim Pasha from his office—and Selim Pasha is dismissed. Why? The Porte might say, "Kars has already fallen; the affair is over; the evil irremediable!" What is the fault of Selim Pasha? Procrastination. But if procrastination is to be punished by loss of office, have we no Pashas of our own whose dismissal the Porte in turn might vehemently demand? The Attorney General asks, "Make your charges distinct," turns to the despatches, and says triumphantly, "What more could we do?" One Gentleman says all the fault lies with Turkey, another with our Ambassador; a third hints at the Generals and Government of France. Faults in all these quarters no doubt there may be. But still, when General Williams applies to you for what it is in your power to give, nothing is done. He asks, or implies that he asks, three things—first, money; second, medical aid; third, that you will enforce and extend his authority as much as you can. You don't send the money. You don't send the medical aid. You decline to extend his authority with your own Ambassador when the Ambassador invites you to do it, and you so little enforce that authority in the Crimea that your Generals refuse to receive his statements as accredited authority. A fourth thing he asks is assistance from the Allies in case Kars should be invested. Here, I grant, France may have thrown some obstacle and delay in the way; but you have failed to show that you consulted France long beforehand—that you asked simply, "Suppose a force, whether European or Turkish, should be required for the relief of Kars, what shall we do? don't let us be left entirely to the chapter of accidents at the close." Therefore, when it is asked what more could we have done, I rather ask, what less could you do? Don't turn to the despatches for an answer. I grant that you could not write better. I don't see how you could well act worse.

Just as I think this Resolution is, there may be a majority against it. But I think I read the English hearts of some of those by whom the majority may be composed. Many, no doubt, will vote with you from the conviction that there is no case against you; but many will also vote with you from the loyal affection of party; many from the reasons so touchingly urged by the Attorney General, that, having closed the war with a peace which has excited so popular an enthusiasm, you have been enabled to invite both Houses of Parliament to a naval exhibition, in which your administrative energy and foresight have left so grateful a recollection on the minds of your applauding guests; many from a personal admiration for the noble Viscount—in which admiration I, too, humbly claim to have a share; many to keep in the Government, and keep out the Opposition. But I do not think a majority will be tantamount to a verdict of acquittal. Ask, in a whisper, any friend who goes out with you into that lobby—"Don't you think, as a Government, we showed great foresight, great energy, in the defence and relief of Kars?" I think the chances are, your friend may reply in the same cautious whisper, "If that be your energy and foresight, for Heaven's sake, try in future to imitate Lord Chatham's improvidence and sloth." I would fain separate individuals from the Government. I can do justice to the gallant nature of the noble Viscount. I can give credit to Lord Clarendon's evidently deep but helpless sympathy for his glorious correspondent. His approving letters must have been gleams of sunshine to that great soldier in his hour of trial and desolation. But, thanks to other agencies in the war councils of the Government, if those letters come to cheer and to encourage, they come also to sadden and to doom—they come to the defender of Kars as the false apparitions came to Macbeth—come to glad

> " —— his eyes and grieve his heart—
> Come like shadows, so depart!"

Other causes conspired to the fall of Kars. Give to the Government the full credit for them. But tell me in turn, do you not honestly think among the main causes is the want of zeal and comprehension, of energy and foresight, on the part of your Minister for War? Sir, in all Cabinets there must be a division of labour; but since in none there can be a division of responsibility, whatever my respect for individuals, I think the charge against you as a Government has not been rebutted. In almost every letter from General Williams he warns you of evils and dangers; in almost every letter from Lord Stratford he proves to you that against these evils and dangers no reliance is to be placed upon the Ottoman resources alone. On those resources do you continue to rely. Not a step do you take, not a conception do you originate, not a strategy prepare, until you are overwhelmed by the logical consequences of your own improvidence and neglect; and the stain of the fall of Kars will cling to your memory as a Government as long as history can turn to this book for the record of a fortitude which, in spite of your negligence and languor, still leaves us proud of the English name.

Mr. VERNON SMITH said, that in presenting himself to address the House immediately after the hon. Baronet, he did so without the slightest hope of being able to imitate his eloquence, or to reach those flights of fancy which he displayed in that House and elsewhere. He was induced to rise in consequence of the hon. Baronet having complained—though not with justice—that no Gentleman on the Ministerial bench, except one, had yet addressed the House on this important subject. The hon. Baronet had observed that, when on a previous evening he moved the adjournment of the debate, he had anticipated no opposition to his Motion, and he rather remonstrated against a want of courtesy on the part of the noble Lord at the head of the Government. That was entirely a misapprehension; and, indeed, any want of courtesy would be quite unwarrantable towards the hon. Baronet, who in his speeches exhibited so much eloquence with so little animosity or bitterness. But the fact was, that there appeared at the time a listlessness and languor about the debate, an unwillingness on the part of the House to prolong it, and a disposition on the part of hon. Gentlemen opposite to evade a decision on the question. He was not one of those who pretended to say that this question should not be discussed in Parliament. On the contrary, it was his opinion that anything that was termed a disaster or misconduct in warfare should be dispassionately discussed; but the speech of the hon. and learned Gentleman who opened the debate (Mr. Whiteside) had in it none of the generous eulogy which the hon. Baronet had bestowed upon Lord Clarendon, for it consisted of assaults and vituperations on individuals from beginning to end. He did not deny the laboriousness of the hon. and learned Gentleman's speech; but it widely differed in tone from the one the House had just heard, and, in his opinion, was most inferior. The hon. and learned Member for Enniskillen fell into the error, which the succeeding speakers on that side of the question had not avoided, of dilating upon the topic of Asiatic policy. That, however, was not the question before the House. The question was not, whether it would have been more wise to pursue the war in Asia or in the Crimea; but whether, it having been determined to pursue the war in the Crimea, and having determined to defend Kars, the Government had done all they could do, under the circumstances, to save that fortress. Dwelling, however, mainly on Asiatic policy, the hon. and learned Gentleman had spoken of the possible effects of the recent campaign in the event of a future invasion of Asia by Russia. This was not the first time that they had heard of this question of the danger to our Indian Empire from aggression on the part of Russia, and how that Russia might, through the agency of Persia, become possessed of Herat, and thus step by step advance towards the invasion of India. Having considered this matter with considerable interest, and in conjunction with those well able to form a judgment on it, he must say that he did not believe that any apprehension of the sort need be entertained; though he admitted that it was desirable that all transactions in that part of the world should be watched with vigilance. He did not believe that Russia, whose difficulty had always been in her commissariat—which had been her embarrassment even in the war just concluded—without vastly improved means in respect to that service and transport, would be able to lead her troops through that immense and almost impassable territory which lay between her frontier and our Indian Empire. The hon. Member's argument, however, had been advanced with great rhetorical art, because it followed from it, as a natural deduction, that the defence of Kars ought to have been the main object of the campaign. He had no desire to speak lightly of the fall of Kars. He greatly regretted it, and regarded it as a great calamity; but what the Government had to show was, that it was not through any fault or neglect of theirs that Kars had fallen. It might be said that it was low ground to take, to say that we had done everything in our power to save Kars, and had failed to do what we had attempted. It was, however, by comparison that the merits of all human actions were to be judged, and since we could not perform everything, if there were two things which we could not perform at once, it was our duty to stick to that which was the more important. It was impracticable to take Sebastopol and to save Kars, and all our means had been devoted to the more important object of the capture of Sebastopol. The defence of the Government rested on a comparison of the importance of the two objects, and to show that, as they could not effect both, they had wisely riveted their attention to that which was the more valuable. The hon. Baronet was mistaken in thinking that any one on that side of the House had advanced the argument that, because the affair was over, therefore it ought to be consigned to oblivion. The hon. Baronet had said that the fall of Kars was a great calamity, and would raise the military *prestige* of Russia in the East. He (Mr. V. Smith) would not deny that it was a calamity—a great calamity—but he did deny that it could be considered a great military triumph on the part of Russia. The town fell by famine and not by assault, and its famished defenders left 6,000 Russians dead on the field on the 29th of September. The messengers who carried the news of the surrender of Kars throughout the East would tell also of its glorious defence; they would spread abroad the military skill of General Williams, and that he was an English officer, and that it was by his efforts and the efforts of the other English officers, that the town had held out so long and had defended itself so gloriously. He regretted that the hon. and learned Member for Enniskillen should have spoken in so contemptuous a tone of the "doctor" who had been attached to General Williams. Every one who had read Dr. Sandwith's book must know that he was a man of great ability, knowledge, and modesty; and the services which he had rendered at Kars in organising and superintending the hospitals were of great value, and showed the wisdom of having sent him with the Commissioner. He could not help thinking that the hon. and learned Gentleman, on reflection, must feel ashamed of the manner in which he had spoken of this gentleman. He agreed with the hon. Baronet, that nothing could be more unconstitutional and dishonourable than for the Government to attempt to shift all blame from themselves by throwing it on Lord Stratford. But the hon. and learned Gentleman who introduced the debate poured volley after volley of abuse upon Lord Stratford as long as it served his purpose, and it was only after he had exhausted himself upon the agent that he reversed his engine and began playing upon the principal, Lord Clarendon. The case against Lord Stratford turned on his non-reply to General Williams's letters. There was no excuse for that; but the question as regarded the Government was, whether the Government would have been justified in recalling Lord Stratford, simply because he had not answered General Williams's letters. Not only was Lord Stratford a diplomatist of great ability and experience, but he was the very best for that post. Everybody declared that he was "the right man in the right place," and no other man could have been found at the time who had his influence with the Turkish Government, or who could have discharged the duties of that mission with such success. In the interest of the country and of the common cause, it would have required a much graver offence to justify his recall at that moment—it would not have been easy to supply his post, and if the Government had recalled him, there would have arisen an outcry that there had been a change of policy.

The Government were taxed with want of foresight and of energy. With regard to the first, it was scarcely worth while to go through all the objections which had been raked together from the Blue-book, tracing what had been done day by day, and contrasting it with what would have been done had somebody else been in Lord Clarendon's place. The House had probably had enough of the Blue-book. So far as foresight was concerned, he had too strong a remembrance of the many long and anxious consultations which had been held with respect to the state of affairs at Kars, to allow that the Government had displayed any want of foresight. The hon. and learned Gentleman himself acknowledged that, from time to time, things were done which showed that the Government were aware of what was going forward at Kars. It was hard to tell what the hon. and learned Member meant by want of energy, or what he would have done which was not done. The House must remember the position in which the Government were placed; the real question was, not whether Kars should have been relieved, but where they were to get the means of relieving it by raising a sufficient force. The hon. Baronet asked, why the French were not consulted on the subject. But from his knowledge of French society, he ought to be aware that the chief objection to the prosecution of the war among the French, arose from a belief that it was a war of ours, undertaken for the purpose of protecting our Indian dominions. Everybody knew that that was constantly asserted; and with what face, therefore, could we have proposed to our Allies to withdraw a portion of their troops from before Sebastopol, in order to send them to the relief of Kars? No doubt our Allies would have replied with that courtesy and civility which were usual with them, but they would not have been disposed to prosecute the war in Asia in our interests. At what time, too, could the diversion have been made? Up to the time of the fall of Sebastopol, all our energies and all our means were concentrated on that siege, and any Minister would have deserved impeachment who had counselled the abstraction of a single man from before Sebastopol to be sent to Kars, which was not then known to be in such straits. After the fall of Sebastopol the roads were so difficult of passage, that the operation was almost impossible. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) said, that he could not see why the plan of a diversion proposed by the Turks was rejected. The reason was obvious. If troops were disembarked at Trebizond they were at least in a position to defend Erzeroum, a place of much greater importance to Kars; whereas, a diversion in the direction of Kutais and Tiflis could, if it failed in its principal object, effect no secondary one, and became, as was afterwards the case with the advance of Omar Pasha, entirely useless. The hon. and learned Gentleman the Member for Enniskillen had dwelt at great length on the mode in which the papers contained in the Blue-book had been prepared, and declared that he could not arrive at their real meaning, and he suggested that the part left out was infinitely more absurd than that which was published was in his eyes. But the reason was obvious. Such a presentation of them was entirely in accordance with the practice of all departments, and was a course which, in all cases expedient, was in this more than usually necessary. Indeed, he was not quite sure that Her Majesty's Government had acted wisely in publishing all they had. In his opinion, it was a right principle that nothing ought ever to be said in disparagement of an ally, past, present, or future; and in what had been published, it was evident that the tone taken by some of the British officers, in their despair of relief, had been written anything but respectfully of the Turkish Government, and it was much to be desired that all such matters should have been eliminated from the despatches. The subject of the debate had been brought forward by a barrister; but it was not a question in which law was much concerned, and he would venture to repeat a saying of a right hon. Baronet on a former occasion: "He hoped they were now done with *Nisi Prius.*" This was a military question; and if any military man came forward, and, looking at our resources and at what we had to accomplish, said that the Government had not used means, or had failed to carry into effect schemes which they ought to have adopted and carried out, he (Mr. V. Smith) would admit that there would be a fault in their defence, and that there would be some force in the attack upon the Ministry. But no such thing had occurred. On the contrary, the whole case was remarkably well summed up in the following passage from a despatch of General Mansfield. That gallant officer, whose ability had been proved by everything that he had done in connection with this campaign, said—

> "If I may be allowed to offer an opinion on the real cause of the disastrous issue of the Turco-Asiatic campaign, I should say that it must be found in the nature of the alliance, which absorbed all the really available means of action, whether French, British, or Turkish, in the invasion of the Russian soil, to the exclusion of attention to the hostile operation on Turkish territory. The contest pursued in the former required every practicable means to insure success—perhaps, it may be said, even military safety."

If such was the case, could the Government have diminished those forces by a single man to relieve Kars? General Mansfield, in reference to the results of the resistance of Kars, said—

> "The garrison of Kars performed a great duty in arresting the march of the Russian columns till the resources of the Allies could be turned to Asia, either in consequence of a development they had not already reached, or of liberation from the Crimea."

Let it be said to the honour of those men that performed so great a service; but it should not be forgotten that there were obstacles at Erzeroum and in the Bosphorus, which would have enabled the Turks to resist the march of Mouravieff. General Mansfield went on to say—

> "Some months since I ventured to predict, in private conversation, that we should have to be satisfied with such an issue of the operations of the last year; and that, assuming the Allies to be prepared to take advantage of what has been thus achieved by the devoted garrison, we should have no reason to be disappointed when viewing the two theatres of war as one comprehensive whole. I have no reason to depart from the opinion then expressed."

That he believed would be the view which the people of England would take of the campaign. Looking at the operations in the Crimea and in Asia as a whole, they would feel that there was no reason for dissatisfaction at the position in which we now stood. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) charged the Chancellor of the Exchequer with having denied that the fall of Kars exercised any influence on the Congress. His right hon. Friend had only said that nothing of it appeared on the protocols, nor did there, although the hon. and learned Member for Enniskillen, who appeared to have an accurate knowledge of all that took place in the Conferences, assured them that the Russian Plenipotentiaries had put it forward from the first. Of course every achievement in war would be put forward by the party who had gained it; but the Russian Government got nothing for giving up Kars. It was evident from the beginning it must be restored, and it could not be otherwise when the main object of the war was to maintain the integrity of the Turkish territory. His reply, therefore, to those who said that but for the fall of Kars we should have obtained a more satisfactory peace was, that but for the capture of Sebastopol we should have had no peace at all. With regard to France, our French Allies never sent even a Commissioner to Kars, and it would have been of no avail to have consulted them on a question which they did not seem to consider one of the objects of the war. He would not deny that this discussion was valuable, but he did not think it ought to have been brought forward in the shape of an attempt to displace the Government under which this calamity had taken place. He did not consider it a fair or generous course to pitch on a single act of a great enterprise, which ought to be treated as a whole. He was justified in that opinion by the conduct of Lord Malmesbury in withdrawing his Motion on this subject in another place. He believed the House would be of the opinion that it would have been more honourable to treat this great question in another way, and in that opinion they would be backed up by the people of England. He believed the people were sincerely sorry for the fall of Kars. He participated in that sorrow; no public event had ever affected him more. He was not surprised at the lamentation it had occasioned. But there was another event on which the people of England might cordially congratulate themselves, and on which they might compliment his noble Friend—that was the fall of Sebastopol. If they lamented the fall of Kars, how much more would they have lamented the event, if his noble Friend had listened to craven counsellors, and, giving way to the sinking of the spirits of the people, had consented to a peace before that event was accomplished, which was the great object of the war. In justice not only to the Ministry, but to the honour of Parliament, these things ought to be considered together. Irritated as the people of England often were on the occurrence of events which they had not foreseen, and ready as they were at such moments to visit their wrath on whoever, whether Minister or

General, came first to their hands, they were very unwilling to return to bygones, or to raise up the ghost of past transactions, even to terrify Her Majesty's Ministers. Therefore they would recoil from such Motions as this—they would not favour the stale vindictiveness of party spirit, and would not support the bringing forward for party purposes matter which ought to be subjected only to a discriminating criticism. After all, to what did it come? If it were true that in the management of delicate alliances, in the difficulty of overcoming unforeseen obstacles, and in the confusion which up to a certain time prevailed in the Crimea, Her Majesty's Government had committed some slight error as to the fall of Kars — a calamity which they unceasingly deplored —he fearlessly appealed to the representatives of a generous people to cast into oblivion this single disaster, if they could visit with a general approbation a war well conducted and a peace well concluded.

MR. VANSITTART said, he had intended to support the Government by giving a direct negative to the Motion; but the tone and temper of the speeches delivered by the Ministers and their adherents had compelled him to alter his determination. The President of the Board of Control, and all who had spoken from the Treasury bench, had taken much higher ground than he had anticipated; and, not content with addressing themselves to the case of Kars, had claimed credit for having conducted all the operations of the war with uniform wisdom and foresight; in fact, they had treated the question as one involving approval of their general policy, and, as he could by no means afford to give a vote suspectible of any such construction, he had no alternative but to support the Motion of the hon. and learned Member for Enniskillen. He was not disposed to call in question the propriety of their conduct in concentrating the whole energies of the army on the siege of Sebastopol, and refusing to employ any portion of it on any other enterprise; but they had acted with the greatest indiscretion in imperilling the *prestige* of the English name and arms in the East by sending out a British General and Commissioner whom they neglected to support with men, money, or material. It would have been far better to have left the whole management of the war in Asia Minor to the Turkish Government than to have committed such a mistake as that.

CAPTAIN LAFFAN said, he had been surprised at the course taken by hon. Members on the other side of the House, and wished to draw the attention of the House to the merely military view of the subject. When the siege of Sebastopol was commenced, the English undertook an equal share of the operations with the French. But their strength was not equal to the task, and they were obliged to give up part to the French, who were three times their numbers. The French had complained that the English Government did not make sufficient efforts, and very great indignation would have been excited by any proposition to withdraw a part of the English force for an object which they considered purely English—namely, the defence of the route to India. No English force, therefore, could have been withdrawn from the Crimea for the defence of Kars. The next point was as to the advice given to the Turkish Government with regard to the disposal of the forces. In the Conferences at Constantinople it was stated by Fuad Effendi that Turkey had but two armies, one in Bulgaria and another in the Crimea, and that they had not the means of raising a third; but he proposed a plan for raising a force of 44,000 men to operate in Georgia, on the Russian line of communication. The force looked well on paper, but it existed only on paper. It was stated that there were 12,000 men at Batoum; but from the inconceivable villany of Mustapha Pasha, that force had dwindled down to 3,000. It was proposed to send 10,000 of the Contingent; but these men were then nothing but a useless mob, undrilled, without arms or clothes, and with officers who did not understand the language, and were obliged to give their orders through an interpreter. It was impossible for such a force to advance to Tiflis, which was 240 miles from the coast. When the plan was sent to England, Lord Clarendon refused to sanction it, and suggested that a force should be landed at Trebizond, to advance on Erzeroum and Kars. It was stated that the road from Trebizond to Erzeroum was impracticable for an army; but such was not the case, for General Williams, in one of his first despatches, mentions that a train of siege guns had been conveyed along it. The plan proposed by the English Government was practicable and reasonable, but that adopted by the Turks produced no result. Omar Pasha was anxious to take some of his troops from the Crimea, but the English and French Generals objected—they were about to make their second attack on Sebastopol, and it was absolutely necessary to retain the Turkish troops to defend Balaklava. After Sebastopol had fallen, Omar Pasha was enabled to turn his attention to Asia; but in his (Captain Laffan's) opinion, he made a great mistake in landing at Souchum-Kaleh, and directing his march upon Kutais, instead of advancing by Trebizond and Erzeroum, by which route he might have been in time—late though it was—to relieve Kars. Tiflis was 240 miles inland, and it was impossible for him to advance so far with his force through an enemy's country. It was only the same distance from Trebizond to Kars, and his road was through a friendly country. In effect, the Turkish General, with 40,000 men, only one-half of whom were available to operate in front, had proceeded but thirty miles into the interior, when he could not go forward without reinforcements. The effect of the choice of Souchum-Kaleh was therefore to throw his army out of all useful occupation; and, indeed, when General Williams wrote that he had received promises of succour from Selim Pasha, he added that he had also entertained hopes of aid from Omar Pasha until he learnt that that commander had directed his movement from Souchum-Kaleh. The Government had been condemned, first, because they discountenanced the expedition prepared by the Turks into Georgia, and next, because they proposed a plan of operating by Trebizond and Erzeroum; but it was obvious that the former project must have been attended with disaster, while the latter gave every promise of success. Lord Panmure was censured for his despatch to General Vivian, dated the 14th of July, 1855, in which he cautioned that commander against imperilling the safety of his contingent by embarking in any rash or ill-judged enterprise in Asia; yet, by a remarkable coincidence, the papers before the House showed that on the very same day General Vivian wrote to our Ambassador in an identical sense, and stating that 10,000 of his troops, comprising the most efficient part of his force, were still unarmed, officered by men yet unacquainted with their language, destitute of transport, and, in fact, a mere mob, instead of a disciplined army ready to take the field. On the two points, then, in regard to which they had been severely blamed, Her Majesty's Government really deserved commendation, not censure. They could not have withdrawn any troops from the Crimea, and they had shown a wise and singular foresight in suggesting that reinforcements should be sent by Trebizond. Their decisions throughout were wise and judicious, in a military point of view at least; although, it must be confessed, the same could not be said of their political administration. He thought the Government were blameable for not having placed pecuniary means at General Williams's disposal, and also for not having furnished him with medical assistance. He (Captain Laffan) believed, that had General Williams been properly supplied with money, Kars might have been saved. He was, however, unable to concur in the terms of the Motion proposed by the hon. and learned Member for Enniskillen, declaring that the fall of Kars was mainly attributable to want of foresight and energy on the part of Her Majesty's Government; for, as the first object was to keep up the army before Sebastopol, and it was doubtful whether any foresight and energy on the part of the Government could have prevented the fall of Kars, he did not think that, in the conduct of the military operations, the Government had exhibited any lack of wisdom or foresight, and he would therefore give his vote against the Motion.

COLONEL DUNNE said, that he did not think that the hon. and gallant Member who had just spoken had been more successful in defence of the Government than the hon. Members who had preceded him. The defenders of the Government contended that Kars was not a place of great military importance; but, in his opinion, the capture of Kars had been the lever by which a peace, neither acceptable nor grateful to the country had been brought about. He believed that this country had suffered a great diminution of repute by permitting that fortress to be taken. He thought that his hon. and gallant Friend (Captain Laffan) had taken an extraordinary course in defending the military views of the noble Lord at the head of the War Department, who was singular in the idea that the route by Trebizond and Erzeroum was that by which relief ought to have been afforded to Kars. All military men acquainted with the country held opinions adverse to that view. It had always been held by military authorities that the safest and most practicable mode of relieving a beleagured place was by marching on the communications of the besiegers, and Omar Pasha acted wisely and properly in endeavouring to interrupt the communications of General Mouravieff. He (Colonel Dunne) had been informed by officers acquainted with the country that the roads between Trebizond and Erzeroum were not practicable by artillery, without taking the guns off the carriages, and that such was their condition, that three or four months would have been occupied in marching 30,000 men from Trebizond to Kars by Erzeroum. It was utterly impossible to afford relief to Kars by way of Erzeroum in time to prevent its capture, but the attempt to do so by Batoum or Redout-Kaleh was practicable, and, although made at a very late period of the year, was nearly successful. He thought great blame attached to the Government for allowing that expedition to be so long delayed that it could not be carried to a successful issue. The Contingent of General Vivian had been made an excuse for not sending troops with Omar Pasha, and it was said they were not in a fit state either to replace Omar's troops before Sebastopol or for fighting in the field; but that force should not have been in the disorganised condition which had been represented. It did not consist of newly raised recruits, but was composed in a great measure of troops drawn from the army which had fought under Omar Pasha on the Danube, who were placed under the command of British officers, and the Government could hardly assert that this was the cause of their inefficiency. The British Government were, in his opinion, to blame for their determination not to allow the Contingent to go to that point to which Omar Pasha wished it to be sent; and at any rate, if the Contingent had been sent to Balaklava, Omar Pasha could have taken his troops to Asia Minor, and Kars would have been saved. He thought the British Government were responsible for the fall of Kars, because they had refused to permit the despatch of troops for its relief at the proper time. It had been said that there was a deficiency of supplies and resources at Redout-Kaleh and Kutais; but one of the despatches contained an account of large stores of grain at Kutais and of the means of land transport which existed there, and the river Rion was available for the conveyance of supplies for a distance of fifty miles. A letter had been quoted by an hon. and gallant Member to show that Omar Pasha was of opinion that General Vivian's Contingent was unfit to be sent to the Crimea; but the hon. Gentleman overlooked a subsequent letter from Colonel Simmons, explaining the statement of Omar Pasha, who expressed this opinion before he was aware of the danger in which Kars was placed. It was a mere flimsy pretence to say that the Contingent was kept back because it was not in a fit state to go to Balaklava, for it was shortly after sent to a more dangerous point. The fact was, either the Government were ignorant of what was going on, or they did not choose to interfere in the defence of Kars; and he had no doubt whatever that responsibility for the fall of Kars rested entirely upon the Government of this country. He would take the challenge of the right hon. Gentleman the President of the Board of Control, and was prepared to contend that if the Government were tried by court-martial on this question their condemnation would be much more certain than it was likely to be in that House, though not more certain than it would be found to be by the country at large; for there could be no doubt that the opinion of the whole country was in unison with the Resolution of the hon. and learned Member for Enniskillen on this subject; and hon. Members might feel assured that, when they returned to their constituencies, their votes on the present occasion would be remembered. He had heard it said over and over again, that all that had been done in respect to Kars was purposely done in order to bring the war to a close by giving Russia a pretence for accepting the terms of peace offered to her. This was one reason which induced him to think that the War Department of the Government was guilty of the fall of Kars. He would not enter into the conduct of Lord Stratford de Redcliffe. He certainly did think that in the earlier part of the proceedings that noble Lord was decidedly wrong in regard to his replies to General Williams; but when Lord Stratford found that Kars was beleaguered, then his letters assumed a very different tone. In extenuation of the conduct of the Ambassador, it ought to be remembered that General Williams was not placed under him but under Lord Raglan. He was also sent to attend Omar Pasha in the same manner that Colonel Rose was sent to the French army as Military Commissioner, but without command. The circumstances in which Colonel Williams found the Turkish army induced him (and very properly) to assume command, and no doubt delay did occur before his rank in the Turkish army was confirmed, and that command he had assumed recognised. But whether that noble Lord was right or whether he was wrong in the earlier part of the affair, he (Colonel Dunne) contended that the Government were responsible for his conduct; and in respect to the subsequent portion of the business Lord Stratford was wholly guiltless. The War Department alone was guilty of the fall of Kars. The hon. Member for Aylesbury (Mr. Layard) had reproached the House for not having attended to the advice which he had on several occasions given as to the importance of assisting Turkey in Asia Minor; but while the hon. Gentleman threw the responsibility of rejecting his advice on the House he at the same time appeared to hold Her Majesty's Government wholly irresponsible. It was true that he (Colonel Dunne) did not vote with the hon. Gentleman last year. Indeed he seldom afforded any one an opportunity of voting with him, for the hon. Gentleman generally withdrew his Motions; but even when the hon. Gentleman did press them he (Colonel Dunne) confessed that his confidence in the hon. Gentleman was so little that he was not prepared to give him his support.

MR. COWAN said, it had been his lot more than once to find himself in a different lobby to the Government, but on this occasion he felt bound to give them his humble and cordial support in resisting this attack levelled at them from the Opposition side of the House. He thought the present Motion was at once impolitic and ungenerous, and that it would have been far more rational and more becoming at a time when the nation was united in thanking the Almighty for the restoration of peace, if this unworthy and useless discussion had been avoided. The hon. and gallant Gentleman who last addressed them said that the War Department was responsible for the fall of Kars; but was the hon. and gallant Gentleman prepared to single out any individual more than another upon whom punishment ought to be visited? The noble Lord the Minister for War in especial had been indefatigable in his endeavours to carry out the war with vigour. No doubt disasters and mistakes had taken place, which would be avoided were the war to come over again; but how could they now fix the responsibility for the past upon any one department or set of persons? But, in his humble opinion, what was meant by this Motion was not so much to censure individuals as to get possession of the Treasury benches—but he trusted that to-night the hopes of the hon. and learned Member for Enniskillen would be signally routed and disappointed. They all admitted and deplored the calamities of Sebastopol and Kars, but instead of dealing in crimination and recrimination it would be far more rational, far more becoming, far more useful, to turn their attention to the best means to be taken to avoid such disasters in future. Let the House then look, not to the Whiteside, but to the bright side of events — and, having rejected this useless Resolution, proceed to the discharge of their legitimate functions in considering what would be the most useful legislation for the country. He protested against the time of the House being occupied, and important business being delayed, by discussions of this nature, which could lead to no public benefit; and he recommended hon. Gentlemen opposite, if they wished to displace the Government, at once to move a vote of censure, and to take the sense of the House upon it.

MR. LIDDELL said, he should confine himself to the Amendment of the hon. Member for Dorsetshire (Mr. K. Seymer). He should vote for that Amendment, as he believed the capitulation of Kars bore very materially on the great question which would have to be discussed next week. He could have wished that the example of a noble Earl in another place had been followed by the learned Member for Enniskillen, because he apprehended there would be no difficulty in showing that the abandonment of the fortress of Kars had exercised a great effect upon the peace negotiations. The expression of opinion might appear presumptuous and, at all events, premature, but in his (Mr. Liddell's) view no conditions of peace would be satisfactory which did not contain a security against future war, and which did not deal with the Asiatic frontier, and it could not be doubted that if Kars had not surrendered Russia would have assumed a very different attitude in the Conferences. A large portion of our acquisitions in the war had been given back in exchange for Kars. But it was the Asiatic frontier which ought to give cause for alarm. It was well known that it was in peace, and not in war, in the Cabinet, and not in the field, that Russia successfully prosecuted her designs. Causes might arise on that frontier sufficient at any moment again to involve us in a war; and it was remarkable that scarcely had the Russian envoys left the Conference chamber before there appeared in a morning newspaper an extremely ominous article from their Berlin correspondent, stating that Russia was organising an army to resist a mountainous tribe on the Asiatic frontier. Now, every one knew what Russian diplomacy was, and nothing would be easier than for a diplomatic agent to foment a rebellion among tribes upon the frontier which would again lead to war. There could be no security for a permanent peace until such a rectification had taken place of the Russo-Asiatic and Persian frontier as would afford a check to the encroachment of Russia. Let any one trace the Russian boundary line, from the Caspian to the Euxine; let him mark well the military positions held by them at different points, on the great lines of road into Asiatic Turkey and Northern Persia, and then say what security there is at any time that those communications may not be interrupted, and those fertile Provinces exposed to the inroads of the Muscovite. A great opportunity for restraining Russia in this quarter had been lost, and might not soon recur. He had no hesitation, then, in voting for the Amendment of the hon. Member for Dorsetshire. With regard to the Resolution of the hon. and learned Member for Enniskillen, he could have wished to have seen it differently worded, and less forcible in its terms; but, while he could not agree in all the censure which that Resolution, as introduced by the hon. Member, had cast upon the Government at home, yet if asked whether the fall of Kars was or was not attributable to want of foresight and energy on the part of the Government, he should be compelled in his conscience to answer that it was.

Sir JAMES GRAHAM: Sir, I know not whether the hon. and learned Member for Greenock (Mr. Dunlop) is in his place, but I can assure him and the House that it is never my practice, even were it in my power, to make a speech for display; and it is only a sense of duty and the conviction that I ought not to give a silent vote on this important question, which induce me to rise on the present occasion. In the present state of the House, and no other Gentleman seeming disposed to rise, I do not wish the debate to close without offering myself to your attention. But,

Sir, I shall take the hint which was offered by the hon. and learned Member for Greenock, and shall endeavour to compress into the narrowest space the observations which it will be my duty to submit to the House. And, Sir, I am bound to state, that, like the hon. Gentleman who has just sat down, I have had some doubts with respect to the vote which I ought to give upon this question; but, both in public and in private life, in a case of doubt, I think the rule a safe one to do as one would be done by; and having been a responsible servant of the Crown during the conduct of the present war, I am bound to remember the difficulties with which Her Majesty's Government have had to contend, and, actuated by that reflection, I feel I have no alternative but to give them the benefit of the doubt.

My own experience has taught me that it is a very difficult operation to conduct a great war, whether by sea or land, with forces under commanders acting with a divided authority. Now, this evil no doubt is well understood in theory, but what is the experience of the greatest commanders in this respect? I think it is an observation of the great Napoleon, that even one bad general is better than two good ones at the head of the same army. He makes also another reflection—that an army composed of different nations will not be long before it commits some great mistake. What, again, was the experience of the Duke of Wellington in the Peninsular war? He felt the difficulty of a divided command to so great an extent that almost immediately after his landing in the Peninsula he thought it not only requisite to put at the head of the Portuguese army an officer second only to himself, but he thought it also indispensably necessary that he should be the generalissimo of that army, holding, as it were, both the first and the second commands in it. I see my noble Friend the Member for the City of London in his place: he, if I mistake not, was present with me at the memorable spectacle when the Duke of Wellington received from the Cortez at Cadiz the supreme command of the Spanish army. At Talavera he did not command the Spaniards, and at Salamanca he had only an imperfect command, and felt deeply the inconvenience of a divided authority. There is a remarkable letter of the Duke of Wellington, written when Alexander, Emperor of Russia, proposed to send a *corps d'armée* to the Peninsula to be placed partially under the command of the Duke of Wellington. It sets forth the opinion of that great man upon the difficulties attendant upon a divided command, and is so germane to the matter in hand that I cannot refrain from troubling the House with it. The letter is addressed to Lord Bathurst, the then Minister of War, and is in these words:—

> "I must not say how much I am flattered by the disposition of the Emperor of Russia to place his troops under my command. If the Emperor should carry this intention into execution, I beg leave to recommend not only that the Emperor should place them under my command, but that he should accept of my services (with the permission of His Royal Highness the Prince Regent) as a general officer in his service of rank senior to the general officer who should be sent in command of His Imperial Majesty's troops, and that, although the discipline and interior economy of His Imperial Majesty's troops should be carried on under the direction of the general officer who would come to the Peninsula with them, all reports, &c., regarding them and their operations, should pass through my hands. I mention this now, because, having for some years commanded an allied army composed of very discordant materials, and having had the good fortune to preserve the utmost harmony among them, I am anxious that, in case His Majesty the Emperor should be disposed to carry his intention into execution, his views should not be frustrated by want of attention to the occurrence of one of those accidents which experience has shown are too likely to occur in the employment of allied troops in the same scene of action."

I have now, Sir, shown the House what was the opinion expressed by two of the greatest commanders of modern times with regard to the difficulties attending the conduct of combined armies. It is true that the history of our country furnishes us with brilliant examples of achievements under divided commands. Ramilies and Blenheim at once occur to our recollection; but still the difficulties of a command over a combined army are great in the extreme. It is not every age that produces a genius like that of Marlborough. It is impossible for me to address myself to this part of the case without reference to the memory of my departed Friend, Lord Raglan. Sir, I had the happiness from early youth to be his friend. Full of valour, as of courtesy, and boundless in both, he was a bright example of an English general. He had, upon the ground to which I have referred, great difficulties to contend against, but by his winning manners and sound judgment he won the esteem and confidence of two Marshals of France in combined operation. His valour was proved when he led—a circumstance new in our annals—British troops side by side with French to the storming of a strong position, defended by brave soldiers worthy of the adversaries against whom they had to contend. He had, I say, great difficulties to overcome, but, thanks to his firmness and forbearance, the alliance remained unbroken. Although his conduct during some part of his command has been made the subject of adverse comment, yet, I say that, take him for all in all, we shall not for some time look upon his like again. Turning, however, to General Williams, who is more immediately connected with the subject of this debate, it is with pleasure that I express the opinion that out of the events of this war he brings a character greatly exalted by the proof of qualities of the highest order, and that while he has gained a reputation so great at the present moment, we may entertain the highest hopes of his future fame. With respect to the conduct of the Government, if Kars could have been saved by pen and ink it would not have fallen; but, while I say thus much, I must also bear my testimony to the manner in which Lord Clarendon supported the authority of General Williams. I will state to the House a circumstance which has not yet been mentioned, and which I think will show that the merits of General Williams, great as I believe them to be, were not unobserved by the Earl of Aberdeen, the head of the Government by which General Williams was sent on his mission to Kars. It was, I think, in the year 1843, when the noble Earl was at the head of the Foreign Office, that it became the duty of the Secretary for Foreign Affairs to select an officer for the important post of Commissioner to arrange the frontier between Turkey and Persia. My noble Friend endeavoured to ascertain from the corps of artillery if there were an officer of merit, science and distinction, to whom the duty might be entrusted; and after full inquiry the choice of the Government fell upon Colonel Williams. The conduct of Colonel Williams in the execution of the duty confided to him gave entire satisfaction both to the English and the Turkish Governments. My noble Friend, recollecting the services of Colonel Williams, when it became necessary to send a Commissioner to the Turkish army in Asia Minor, recommended to Lord Clarendon to secure the services of Colonel Williams if possible; and Lord Clarendon, knowing the opinion of Lord Aberdeen to be a just one, with the concurrence of the Cabinet appointed the gallant officer. This was the course the Government took in the appointment of Colonel Williams. In addressing myself still further to the question of the conduct of the Government, I am sorry that I should have to speak in the absence of a Gentleman to whom I should wish to reply, while he was present; but, in truth, I had not intended to speak at this early hour, but I did not think it right to refuse the call which was made upon me by the House. I refer to the hon. Member for Aylesbury (Mr. Layard) who has made some severe observations in reference to Lord Aberdeen's Government. Now, Sir, I must say that it is extremely easy to kick a dead Lion, and, as the hon. Gentleman has been engaged, and honourably engaged, in researches connected with the ruins of departed greatness, I can quite imagine that he may now find it more profitable to defame a Minister out of office, and to offer incense at the shrine of the Minister in power. I say, Sir, that the comments of the hon. Gentleman on the Government of Lord Aberdeen are most unjust. The hon. Gentleman says that the Administration of Lord Aberdeen entirely overlooked the importance of the Asiatic frontier of Turkey, and the danger to Turkey of the advances of Russia in that direction. I must state in the outset that I think Lord Clarendon hardly dealt with when he is held responsible, individually and alone, for the military instructions that are contained in some of these despatches. Such directions were issued generally with the immediate concurrence of the Secretary of State for War, and after communication with the head of the Government. Now, Sir, I will not trouble the House with more extracts than I can help, but I must remind the House that the despatches to which I shall refer were written by the Earl of Clarendon as the organ of the Government, and I think that the statement of the hon. Gentleman that the Government of Lord Aberdeen was indifferent to the state of the Turkish army in Asia will fall to the ground. I will not refute that position by many extracts, but will confine myself to three. I would beg the House to remember the dates. The Duke of Newcastle left the Administration with Lord Aberdeen towards the end of January, 1855. In the preceding October Lord Clarendon wrote to Lord Stratford de Redcliffe—and it is consistent with my own knowledge that the despatch was written in concert with the Duke of Newcastle—in the following terms:—

> "Her Majesty's Government have a direct interest in the effective state of this army (that is, the army of Kars and on the Asiatic frontier), as it is likely that military operations upon a large scale will be carried on in Asia next year; and they must therefore again insist upon the necessary measures being taken without delay."

On the part, therefore, of Lord Aberdeen's Cabinet, I must say that there was the earliest indication of foresight with reference to the probable course of military events in the early part of 1855. The date of the despatch is important; it is the 21st of October, 1854. It is immediately consequent upon the hope entertained confidently by Lord Raglan and Marshal Canrobert that the bombardment of Sebastopol, which was to take place on the 17th of October, would be successful, and it clearly shows that the policy of Lord Aberdeen's Government was that, if happily that bombardment should be successful, part of the allied forces would be directed on Asia. Here is the matter most in dispute between the hon. Gentleman and myself. Undoubtedly Her Majesty's Government—I believe the present as well as Lord Aberdeen's—did attach primary importance to the Crimean operations, and regarded as secondary, although most important, the military movements and events on the Asiatic frontier. The hon. Gentleman takes an opposite view. He thinks, I believe, that the operations in the Crimea were secondary to the movements on the Asiatic side; and therein differs on a point of strategy from the conclusions at which the Government arrived after giving the matter their most careful consideration, and consulting with those best qualified to advise them. That, however, is a question of judgment and opinion no way affecting the decision of the House upon the Motion now before it. But now I would ask attention, as a proof that the Duke of Newcastle and Lord Aberdeen's Government never departed from the view which they took with reference to the importance of the Asiatic frontier, to a despatch which, I think, was partially read by the hon. and learned Member for Enniskillen. It is from Colonel Mundy to Lord Wodehouse, and is dated the 6th of November:—

> "The Duke of Newcastle is of opinion that it will be found almost an impossibility for the English and French forces to co-operate with an army in the state in which the Turkish army in Asia is

represented to be unless a complete change of system be effected. His Grace further directs me more especially to request that your Lordship will call Lord Clarendon's attention to the statements of Colonel Williams with regard to the arrears of pay due to the Turkish soldiers, and the evil results arising therefrom, not only causing distress and privation in the army, but encouraging desertion from its ranks; the want of clothing amongst the troops of all arms, and the absence of medicine for the sick, and want of properly qualified surgeons. His Grace is of opinion that an earnest and urgent representation should be made to the Porte, calling their attention to the several points adverted to by Colonel Williams, and expressing the expectation of Her Majesty's Government that some steps should be taken on their part to remedy this state of things; and should Lord Clarendon concur in the Duke of Newcastle's opinion, I am further to request that you will move his Lordship to send instructions accordingly to Her Majesty's Ambassador at Constantinople. Adverting to the statements of Colonel Williams in his despatch of the 24th of September, with regard to the inefficiency of the medical officers, his Grace would suggest that, in any instructions which may be addressed by Lord Clarendon to Lord Stratford de Redcliffe on this subject, he should be directed to inquire whether the Turkish Government would consent to place their hospitals at Kars and Erzeroum under the management of three or four English and French army surgeons, who might have power to dismiss any subordinates found incompetent, and might also have the whole control of providing a sufficient supply of medicines and instruments.

The last extract to which I shall refer in connection with this matter occurs in a despatch dated the 11th of January, 1855, while Lord Aberdeen was still in office, which I know to have been written after communication with, and under the sanction of, the Duke of Newcastle. Referring to a despatch which had been received from Lord Stratford, it says—

"But this is all that has been done for the relief of the army, notwithstanding the repeated and urgent remonstrances of Her Majesty's Government, which are of a date long anterior to the departure of General Williams from this country. The Porte was well aware of the anxiety felt by Her Majesty's Government on this subject, and of the importance they attached to the army at Kars being in a fit state to take the field next spring: yet, knowing the necessity that General Williams should have rank in the Turkish army, in order to secure to him the respect and obedience required, not alone for the Sultan's interests, but for his position as the Queen's Commissioner, his diploma of Ferik has not yet been sent to him, nor does he appear to have been informed that the rank was conferred upon him.

Here is an indication of the policy of the Government, and the measures of precaution they thought it expedient to take, officially communicated as early as January to Lord Stratford de Redcliffe—this documentary evidence proves beyond dispute, that neither the Duke of Newcastle nor Lord Aberdeen's Government, ever lost sight of the importance to be attached to the proper maintenance of the army at Kars, or of the necessity of active preparations for taking the field in Asia Minor in the course of the spring.

Coming more immediately to the subject now before us, I think, Sir, I shall rightly divide the subjects of blame imputed to the Government into two—first, it is said, that there being reason not to be altogether satisfied with the conduct of Lord Stratford de Redcliffe, they failed to recall him; and, secondly, that they omitted to send aid to Kars in the summer of 1855. These appear to me the leading topics of attack, and, with the permission of the House, I will direct my attention to them consecutively.

And, first, with regard to the conduct of Lord Stratford de Redcliffe. I agree with the Attorney General that it is impossible altogether to vindicate the earlier stage of these proceedings, particularly towards the end of 1854 and the commencement of 1855, the neglect to answer the letters of General Williams and to give him the full authority which was necessary to sustain him—whatever may be the cause, I think there can be no doubt that there was a misunderstanding between General Williams and Lord Stratford de Redcliffe, which was not conducive to the good of the public service. I am quite ready to make this statement; but having made this admission, I think there are circumstances with reference to the past life and conduct of Lord Stratford which would have made it a fatal error on the part of Her Majesty's Government to recall him from Constantinople, owing to the course he had unfortunately adopted with regard to General Williams. It is said that he neglected to answer as many as sixty-one letters; but it appears that on one morning seventeen despatches arrived together, requiring probably only one answer. I will not, however, deal with the question in that manner. I have admitted that I think there were parts of the conduct of Lord Stratford de Redcliffe fairly reprehensible; but, on the other hand, I agree with the hon. and gallant Officer who spoke on the opposite side that there, perhaps, were defects in the original arrangements by which General Williams was sent as military Commissioner, placed more immediately under the orders and directions of Lord Raglan, and not so immediately under the control of the British Ambassador; probably, too, his powers and functions were not strictly defined with sufficient precision; and, under these circumstances, although it is certainly to be regretted, it was not very unnatural that, in the first instance, some misunderstanding should have arisen between Lord Stratford and General Williams. But I think the Government and the House are bound not to forget the eminent services rendered to his country by Lord Stratford de Redcliffe. Recollect how he stood as a sentinel, almost alone, opposing a constant front to the spirit of Russian aggression in that quarter, and to what was no less dangerous than Russian aggression—the corrupting influence of Russia in a capital where her seductions have not always been thrown away. Let me also remind the House of the influence acquired by Lord Stratford over the Turkish Government. He himself tells us of the corruption which prevails in every department of that Government, and let us not forget how his honesty and integrity have triumphed over the baleful influence, and to what noble purposes he has directed the ascendancy gained by honour and uprightness. The papers which have just been presented to Parliament show how successfully he has exerted himself in favour of the Christian subjects of the Sultan. I attribute mainly to the influence of Lord Stratford de Redcliffe, constantly and nobly exerted, that hatti-sheriff which gives such important privileges to the Christian population in Turkey. It assures us that henceforth no subject of the Turk will be molested on account of his religious opinions, or punished on account of the abandonment of any faith which he shall renounce. What are these but terms of absolute religious toleration? and that hatti-sheriff, so important, is referred to by name in the treaty which has been laid on our table; it is the condition on which Turkey is admitted within the pale of civilised Europe; it will give to the European Powers, if it be not observed, either collectively or individually, a right of remonstrance and of active interference. If these things be considered, the full value of the boon will be better understood. More than that—I believe there was error in the conduct of Lord Stratford de Redcliffe in the earlier part of the transactions with General Williams; but will the House recollect, in justice to Lord Stratford, what were the efforts he made after the commencement of 1855? I believe he was earnest and unremitting in his exertions to obtain for General Williams every possible assistance from the Divan. Well, Sir, under all these circumstances, considering his ability, the length of his service, his conduct, his character, I am disposed to say that the Horatian maxim with regard to poetry is equally applicable to political services—

> "Verum ubi plura nitent in carmine, non ego paucis
> Offendar maculis, quas aut incuria fudit,
> Aut humana parum cavit natura."

This accusation of not recalling Lord Stratford, I grant, more particularly applies to Lord Aberdeen's Government, because the offence was committed in the beginning of the year 1855, or at the close of the year 1854. But, if it be an error that Lord Stratford was not recalled, had I remained a Member of the present Administration I should have partaken of the councils of my colleagues, and I should have resisted to the utmost the recall of Lord Stratford. Therefore, on the first grounds to which I have referred, I feel it my duty to give my vote of approbation to Her Majesty's Government.

I come now to the second point—the omission of the Government to send aid to Kars in the summer of 1855. Now, upon this point it is impossible to overlook the earnest desire of the Turkish Government to send assistance to the army beleaguered at Kars, and more particularly I must advert to the recommendation and conduct of Omar Pasha with reference to this subject. I think those hon. Gentlemen who have read the Minute of Omer Pasha must be of opinion that his abilities in council hardly fall short of his distinguished merits in the field. But, Sir, as opposed to this desire on the part of the Turkish Government, I have already stated that both the English and French Governments, though they attached infinite importance to the defence of Kars, as I think rightly, regarded that operation as altogether secondary to the capture of Sebastopol. That was the primary object, and it would have been folly and weakness to disregard the primary object in the hope of promoting or even carrying a second. Will the House bear in mind the precise time when Omar Pasha made his recommendation? It was after the 18th of June—a day ever memorable in the annals of this country, and not tarnished, as I contend, by the adverse occurrences of the 18th of June, 1855—still that day in that year is remarkable for the failure of a great military effort on the part both of the French and English armies, and it cannot be matter of surprise that after such an event the generals and admirals responsible for the safety of the united army should have hesitated in weakening the forces immediately present at that great military operation, the siege of Sebastopol. I do not think it has been read, but it appears to me very important that the letter of General Simpson with reference to the refusal of the wishes stated to them by Omar Pasha, to withdraw a portion of the forces then present under their combined command, should be brought to the recollection of the House. This letter is dated the 16th of July, about a month after the assault upon the Redan, and a considerable time before the brilliant success which carried the Malakoff and ended in the taking of Sebastopol. I will not trouble the House by reading the whole, but allow me to read a portion of this letter, which shows distinctly the views of the allied commanders upon this subject:—

> "At a conference which was assembled at the French head-quarters on Saturday the 14th, at the request of Omar Pasha, and at which he, General Pelissier, General La Marmora, Vice-Admiral Sir E. Lyons, Vice-Admiral Bruat, Rear-Admiral Stuart, and myself were present, his Highness set forth his reasons and views on the subject in question; he also produced a very large sheet of paper, which contained, as he affirmed, the instructions of his Government; but, on being asked for a translation of which, he said that it would take a fortnight to make one. The arguments used by Omar Pasha were those set forth in the correspondence, and failed to produce any effect on the minds of the other members of the Conference, who all, without exception, entertain the strongest objection to the withdrawal of any troops from the Crimea at this moment."

We have, therefore, the united opinion of all the admirals and all the generals that not only from Sebastopol and Balaclava, but from Kadikoi, Kertch, and Eupatoria, under the circumstances which then existed, it was not expedient to withdraw a single man. Omar Pasha, being dissatisfied with the decision, went to Constantinople to obtain a reversal of it, and General Simpson writes to Lord Stratford—

> "I earnestly, therefore, beg your Excellency to use your powerful influence with the Porte to cause our opinion to prevail over that of his Highness; for great public interests are at stake, and serious consequences might result from his success."

Surely, Sir, in the face of that appeal we may well understand how very unwilling the Governments at Paris and at London must have been to reverse a decision, taken on the spot by the most competent authorities, by orders directly opposed to what on the spot was thought necessary, not only for the honour and success, but absolutely for the safety of the forces there employed. It must not be concealed from the House, and it has not been concealed—as I think rightly—by the responsible Ministers of the Crown, that there was a great indisposition on the part of the French Government to favour any operations elsewhere until success at Sebastopol had been obtained. It may be a matter of question whether that disinclination was not carried to excess: still, in operations of such delicacy and difficulty, it will be a bold measure if the House of Commons, for the sake of an hypothetical result, pass condemnation on the Government, upon the exercise of its discretion in very nice, trying, and difficult circumstances. Again, let us see what the great master of the art of war in our time—the Duke of Wellington—says on a point of this nature. General Cooke held a command at Cadiz; the Duke was commanding on the banks of the Douro, and, in one of his instructions he said,—"It is inexpedient to give peremptory orders from a distance. I would not do it. I would not gladly, if they were given to me, submit to them." I do not stand here to say that mistakes have not been committed—I do not believe that gentlemen on the Treasury bench, considering the large extent covered by these transactions, will be prepared to say that no errors have been committed—it is impossible that in such immense transactions some oversights should not occur. I say frankly, I think there was too much of telegraphic communications and telegraphic orders. I agree with the hon. and learned Member for Enniskillen in disapproving that particular telegraphic despatch, which gave peremptory orders to abandon Kars and Erzeroum and fall back upon Trebizond; and if recommendations were to be conveyed by telegraph at all, I should not have sanctioned any other recommendation to General Simpson than to "remember Kars." That was not the instruction, but, perhaps, the end would have been much happier had it been so. Still, I am bound to say that, whatever those instructions may have been, it was quite open to the Government to yield to the strong representations made by the commanders of the allied forces, and not allow any detachments to be sent from the Crimea. I cannot but express the sympathy which I—in common, I believe, with every Member of the House—feel for the sufferings of General Williams, and my admiration of his conduct. It is heartrending to read some of these despatches. He says that he thought his army was left doomed to destruction, that he was absolutely forgotten, that his position was isolated and neglected; and yet, while he felt the neglect, his manly and noble spirit, nothing daunted, persevered in spite of every disappointment. Hope even was dead within him, yet did not that spirit so entirely fail that he was unwilling to meet the enemy to whom he was opposed with only three of his countrymen by his side, and lead a Turkish army, under circumstances of unexampled distress and difficulty, to almost unexampled victory. There may be many things to regret in the war now happily closed, but do not let us, under any circumstances, cease to be proud of the noble conduct of a handful of our countrymen on two occasions of almost equal danger and difficulty. I look in vain to the annals of modern warfare for a parallel to the defence of Silistria or Kars—both in the main, owing to the courage, the skill, the constancy, and the example of British officers—leading to that triumphant success which, when we come to confer with him who was our enemy, and is now, I hope, our friend—long may he continue to be so!—I mean the Russian—he will tell us that the defence of Silistria and Kars rendered the English name, with which these exploits were associated, illustrious and ever memorable in the annals of this war. I said it was heartrending to think what General Williams must have endured. Here is a trifling instance. When the honour of the second class of the Bath is conferred upon him, we hear that he receives it with a faint smile, for in truth the hope of that noble heart is well nigh broken. I may be wrong in expressing my opinion, but I do not think, as yet, the gratitude of this country to that distinguished man has been sufficiently marked. The second class of the Bath is a proud distinction; but I cannot think his services are rightly measured by that distinction. The thanks of Parliament, considering the ultimate failure of the defence of Kars, cannot, according to precedent, be given, but if my noble Friend will advise Her Majesty, the fountain of all grace and favour to the military profession, to confer some solid mark, in which we may partake, in reward of the services of General Williams, I do not believe there is a man in this House who will not hail it with satisfaction.

Now, Sir, I shall be asked, am I then prepared to say that no errors were committed? I have already admitted that some errors were committed; and I have concurred in the suggestion that medical and pecuniary aid ought to have been given; it will now be my duty to point out others. I have read a despatch of the Duke of Newcastle, in which it is suggested that medical aid might be afforded to the army at Kars and that pecuniary assistance might be given: this brings me to the question of pecuniary assistance. And here I confess I think that some blame is due to the Government. It will be, perhaps, contended, that I and some of my colleagues of Lord Aberdeen's Government who left office, after having accepted it under the noble Lord (Viscount Palmerston) were opposed to the Turkish loan. It is true; but this is not the occasion to argue that question over again. But before I left Lord Aberdeen's Government, and ever since, I have been opposed to the system of subsidies and loans. I remember that injunction, which is as sound as it is poetical, and quite as applicable to nations as to individuals:—

> "No lender be,
> For loan oft loses both itself and friend."

I was opposed, also, to the joint and several liability involved in this particular loan; and I had the greatest objection to the mortgage of Egypt. I still retain those objections. I do think—I hope I may be wrong—that grave discussions may yet arise out of that transaction between the French and English Governments. But I never was opposed, and I do not think that any rational man would be opposed to giving pecuniary assistance. Differing as I do from the Member for Aylesbury on some points, yet I agree with him in one, and I do think that a credit might have been given to General Williams, either upon our Ambassador at Constantinople or upon the Treasury in England for a moderate amount, say, for the sum of £100,000 or £200,000, and that for that sum the army at Kars might have been supplied with all the provisions necessary. I am also of opinion with the hon. and learned Gentleman (Mr. Whiteside), that if a few hundred cavalry had been sent to Kars, they would, as General Williams says, in describing his brilliant victory, have enabled him to destroy the Russian army. Again, I think, that although General Williams had guns in sufficient quantity, yet that when he asked for a few hundred artillerymen and cavalry they might have been sent to him from Constantinople. I cannot but believe that in the early part of the summer of 1855, without detaching any troops from the Crimea, there might have been sent from Constantinople to Erzeroum some assistance—some force which would have produced great results in the Asiatic campaign, and which, combined with the advance of a small sum of money, would have exercised great influence in the fortunes of the war. Here is another point upon which I have a strong opinion. If it were inexpedient to weaken the force on the plateau in front of Sebastopol, still there were no insuperable objections to meeting the wishes of Omar Pasha and allowing him to withdraw from that position the Turkish veterans he was accustomed to command, and supplying their place by the Turkish Contingent. It may be said, that the latter troops were not sufficiently disciplined; but the House will pardon me if I again refer to the highest authority—the Duke of Wellington. He had experience in these matters. When in Portugal he had to use similar troops constantly, when they were very imperfectly disciplined, and he has put upon record in his own pithy manner a *dictum* which the House will allow me to read. It refers to the effect of long training and discipline upon such troops compared with their being well paid, well fed, and well cared for, and it shows that these attentions go much further in rendering troops effective in the field than any amount of training. The Duke is writing of Spanish troops when put under British officers. He says—

> "The Spanish troops do not want discipline, if by discipline is meant instruction, so much as they do a system of order, which can only be founded on regular pay and food and good care and clothing."

Now, the Turkish Contingent had had these advantages for some time, and my own judgment would be that, at that time, when the question of withdrawing the Turkish troops from Balaklava was agitated, their place might have been advantageously and sufficiently supplied by the Turkish Contingent so officered. The Duke goes on to say—

> "These British officers could not give them, and, notwithstanding that the Portuguese are now the fighting cocks of the army, I believe we owe their merits more to the care we have taken of their pockets and bellies than to the instruction we have given them."

Showing that the opinion of the Duke of Wellington was, that the want of instruction and long training with reference to the efficiency of foreign armies is radically, to a considerable extent, supplied by British pay, feeding, and care. The Turkish Contingent having had these advantages might, I think, have been sent up to Balaklava, so as to have liberated the troops of Omar Pasha, without any danger to the service. And, Sir, there is no use in not very frankly stating my full opinion to the House, since they are so indulgent as to listen to me. I have another objection to take to the management of these transactions, which I think is not altogether unfounded, but it is of a somewhat delicate character. I am bound to say, that with every desire to maintain the French alliance in its full integrity, and to run no risk of a misunderstanding with that country—especially as I am bound to admit that the Emperor of that great nation has acted with constant fidelity and with a degree of good faith and firmness that entitles him to the gratitude of this country; yet I cannot but think that too much was conceded to the prejudices which, I must say, were not well founded on the part of our French Allies. After Sebastopol had fallen, and after Kars had fallen, there was the Turkish Government displaying an earnest, natural, and anxious desire to withdraw a portion of their army from the Crimea, and to occupy Trebizond without delay, in order to prevent the danger of the further advance of the Russian army. Now, observe what took place. As late as the 14th of December, Lord Stratford writes to the Earl of Clarendon to say:—

> "I learn from M. de Thouvenal that permission has at length arrived from Paris for Marshal Pelissier to assent to the departure of the Egyptian infantry at Eupatoria for Trebizond. I am informed, however, that the Turkish commander had declared his determination to embark the troops without waiting for any further communication."

This bears incidentally upon a part of the case of the Government. They have been blamed for adhering to the view taken by General Williams himself, and preferring the proposed advance from Batoum to the operation recommended by Omar Pasha, with Souchum-Kaleh for its base. The local knowledge of the hon. Member for Aylesbury has made this perfectly intelligible, and he has shown that in the early part of the summer the road from Trebizond or Batoum was more direct in a military point of view, and more suitable except for artillery. But after Sebastopol had fallen, the question was, whether a portion of the Turkish army ought not to evacuate the Crimea and go to Trebizond. Hear what Sir William Codrington, our Commander in Chief says, with reference to this subject. Writing on the 10th of December, he says:—

> "I wrote to Marshal Pelissier in the general tone of your letter, expressing to him the great object it seemed to be to get the Turkish troops to Trebizond, and that, if done at all, it should be done at once, and offering my assistance, if I could, by communications with our navy, to further this object. His answer was, that he could not consent to their leaving Eupatoria without the express sanction of the Emperor of the French."

That is to say, that the opinion formed by the General Commanding in Chief, backed by the earnest desire of the Turkish Government, was dependent on the will of the Emperor at Paris, communicated by telegraph. This is delicate ground; but I speak with every desire to show the utmost deference to the Emperor of the French. Lord Stratford writes, saying, "The Turks are sadly mortified by the embargo which appears to have been laid on the Egyptian troops at Eupatoria." In my opinion, that feeling of soreness and disappointment was both natural and well-founded.

But, I may be asked, "Why, if you find these faults, do you not vote for the Motion of the hon. and learned Member for Enniskillen?" That is a fair question, and I will proceed to answer it. I will first take the Amendment of my hon. Friend the Member for Dorsetshire (Mr. K. Seymer). If the previous Question had been moved at an early stage of the discussion, I do not know whether, with the view I take, I should not have voted for it. But since the discussion has been opened, I cannot regard the Amendment of my hon. Friend exactly in the light of a Motion for the previous Question; although it is a reasonable Amendment, asking, not that no verdict shall be ultimately pronounced, but that there shall be delay in pronouncing it; and he asks for delay upon the assumption that we are ignorant of the protocols and of the terms of the treaty of peace, and that we ought to be made acquainted with them, and to consider them before we pronounce a verdict. With respect to the original Motion, I cannot regard the question which it raises as an abstract question; even if I did so regard it, I could not bring myself—it may be from prejudice, it may be from kindly feeling towards old friends — to say, as an abstract proposition, that I think Lord Aberdeen and Lord Clarendon deficient in foresight, or Lord Palmerston deficient in energy. But this is not an abstract question; it must be regarded with reference both to circumstances and to time. Now, with regard to circumstances, I think there was great truth and justice in the opinion pronounced by an impartial and intelligent spectator (General Mansfield), He says that the causes of the fall of Kars are quite obvious. He says that it was necessary, until Sebastopol had been taken, to keep concentrated in front of Sebastopol every English, every French, every Sardinian, every Turkish soldier that could be obtained; that the campaigns in the Crimea and on the Asiatic frontier, including Kars, must be regarded as a whole; that the centre and key of the entire operation was Sebastopol, to which Kars, however important, was but secondary; and that the result of the campaign was not at all surprising: we succeeded at the point where our united energies were concentrated, and we failed at the extremity to which we could not direct any assistance. General Mansfield adds, that he had predicted the result; but that the gallant feat of arms by which Kars was enabled to hold out prevented the advance of the Russian army one yard further than Kars, and that if Sebastopol had not fallen we should, this spring, in consequence of the defence of Kars, have opened the campaign in Asia with the brightest prospects.

Then, in considering this Motion, time is not to be disregarded. I do not wish to anticipate the discussion upon the articles of peace, but I cannot forget that peace is ratified, that it was proclaimed yesterday, that it is on the table, and that we are cognisant of its terms; and, looking at those terms, I must say that, in my humble judgment, all the objects, the principal objects of the war, have been fully achieved, and that the peace is honourable to the country. Without wasting the time of the House by entering at any length into this subject, I must give them a short summary of the terms we have obtained. The Principalities—the occupation of which by Russia was the proximate cause of the war—are rescued from the grasp of Russia; to them is added the half of Bessarabia; the fort of Ismail, long occupied by Russia, and which had been wrested by that Power from Turkey, is restored to the Principalities; the navigation of the Danube is henceforth free, guaranteed by Europe; the commerce of the Euxine is opened to the world; the Russian fleet in the Euxine is annihilated; no military arsenals on the coast of the Euxine, no military fortresses on its eastern shore which have been destroyed are to be rebuilt; the standing menace to Sweden—Bomarsund and the Aland Isles—is not again to be fortified; the standing menace to Turkey—Sebastopol—is in ruins; Kars, the very subject we are now discussing, is restored to the Turks without an equivalent; the aggressive aggrandising spirit of Russia is arrested; the independence and integrity of Turkey are secured under the guarantee and panoply of Europe. These are the leading conditions of peace, and there—pointing to the Ministerial benches—are the Ministers who have conducted the war to a prosperous conclusion, and have secured that peace. I have no blind partiality for Her Majesty's Government—I have censured wherever I thought censure was due; but, I must say, I think it would be ungenerous and unjust to the Administration which has conducted the war to an honourable conclusion, upon such a day as this, under circumstances such as I have feebly described, to declare that it is altogether unworthy of the confidence of the country and has failed in foresight and energy. For these reasons I shall neither vote for the Amendment nor for the Motion. I shall meet with a direct negative the vote of censure.

Mr. DISRAELI: Sir, the right hon. Gentleman the Member for Carlisle has this night tempered justice with mercy. He has spoken against Ministers, and he intends to vote for them. I have little fault to find with the right hon. Gentleman's statements—he seems to have put, with considerable force and Parliamentary experience, the main points that tell against the Ministers; but, remembering that they were once his colleagues and are still his friends, he says that he will resist the irresistible inference, that on this occasion they are to blame. They are, in the opinion of the right hon. Gentleman, sinners in the concrete, but abstractedly considered, they are innocent. Sir, we have just terminated a great war, and just concluded an important peace; and during that space of time an event has occurred which, in the view of many persons, has exercised a powerful influence on public affairs, and which, even if it had not exerted that influence, has been attended with circumstances which enlist the deepest sympathy of the people of this country. There has been an heroic exhibition of all those virtues and qualities which Englishmen appreciate and honour; there is a prevalent belief that men distinguished by all those qualities and virtues have been deserted by the Government; and now, after a wise forbearance, due to the state of the country and to the embarrassing duties of the Administration, a forbearance which reflects credit on this House, because the attention of Parliament is called to those circumstances, and because we presume in the House of Commons to discuss this question, which for a long period has touched the hearts and occupied the hearths of the whole country, an imputation of faction is brought against us. In this House, which if it wishes to have any claim on public regard and respect would find that claim most surely in quick sympathy with the sentiment out of doors—in this House, because we have presumed to touch a question of national interest, we are told that we are taking a part that faction only could inspire, and selfish and sordid sentiments only could have prompted. Before the main business of this night commences, the Member for some Scotch burgh—Greenock, I believe—rises, and says that this debate is only continued for the sake of a few speeches, and that it is entirely a factious movement. Is that the opinion of the people of England? Whatever may be the decision at which we may ultimately arrive, is there a man in this country who does not feel that the siege and fall of Kars ought, and deserve to be, the subject of Parliamentary discussion? It is not only one Scotch Member who presumes to give this opinion on the conduct of the House of Commons. The House still echoes with the plaintive oration of the hon. Member for Ayr (Mr. Craufurd); and what is the cause of his addressing such language as he did to Gentlemen on this (the Opposition) side of the House? What is his grievance? His reason against the continuance of this debate is, that he will thereby be prevented from introducing a Bill. And what is the history of that Bill? Some fortnight ago another golden opportunity was lost by that hon. and learned Gentleman. He says he seized that opportunity—that he came down eager to expound his legislative opinions; but unfortunately there was no House. Really I do not think that there is any great grievance for the hon. Member to complain of. He had had his chance; he has appealed to an impartial tribunal—to his own countrymen—and the Member who has a Bill to introduce, and who has not influence to make a House, has no great right to complain of the resumption of an adjourned debate. But there is a third Member for Scotland, who represents the capital of that country (Mr. Cowan), who also steps forward to complain of us. The hon. Gentleman is, no doubt, entitled to notice, because he is the successor, and I believe, the successful rival, of one of the greatest ornaments of British literature, and formerly one of the greatest ornaments of this House—Mr. Macaulay. He declares all this discussion to be vain and worthless, and says it is only an assault on the Treasury bench. Does he mean to say that there is in the city of Edinburgh, which, by some strange anomaly, he represents, such a total want of sympathy with all that has happened at Kars—with those wild and romantic incidents which will be remembered when the war itself is forgotten, and when this treaty of peace is a time-worn and dusty document—does he mean to say that there is in that city such an absence of sympathy with the gallant Williams and his brave associates—with all those heroic achievements which form the subject of discussion this night? Does he represent faithfully the feeling of his constituents when he says that any discussion on this subject is vain, futile, and selfish? Sir, I have a higher opinion of the educated, intelligent, and accomplished inhabitants of the modern Athens. I do not believe that the hon. Member on this point faithfully represents his constituents: I am sure that our discussion of this subject will be read in that city with the deepest interest, and will be judged with the severest criticism. But, unfortunately, it is not only of such small deer as these vituperative Members of the sister kingdom that we have to complain to-night. A Cabinet Minister, whose speech, I am bound to say (as he spoke of contrast), most favourably contrasted with the speech of another Member of the Cabinet in this debate, because he did justice to the subject before us, and because he at least admitted its importance, described this Motion as simply an attempt to upset the Ministry. I think he should not have touched on that point. I think it becomes the House of Commons to have some more clear idea of the position of an Opposition in this country, and of the duties it has to fulfil, than appears to be prevalent among some hon. Gentlemen, and even right hon. Gentlemen on the Ministerial bench. It appears to me that the first duty of an Opposition is to vindicate its principles, whenever they deem it necessary and convenient, and to assert them without the slightest reference to what may be the consequences of a division. I think, in the second place, that it is the paramount and peremptory duty of an Opposition to offer its criticisms on public affairs, when they think that the conduct of the Ministry demands observation, without the slightest reference to the consequences of a division. If the duty of an Opposition is only to be tested by the success which upsets a Ministry, it is very easy to see that the sphere of opposition must become very limited; and no doubt that is a theory very agreeable to a Ministry, from whatever party selected. To say that opposition is only to be justified by a division sufficiently successful to upset a Ministry, is to lower political conduct to a selfish and sordid standard. It is telling the people of this country that their Parliament is not to be an assembly where the relative merits of different principles of government are to be discussed and debated; where the pulse of the nation is to be felt; and where even the passions of the people are to be represented; but that it is to be a clever, well-organised, mechanical assembly, where nothing is to be considered but selfish consequences and the mere personal ambition of the individuals who are fortunate enough to obtain a seat in it, and where the possession of power and the disposition of patronage are to be, in fact, the sole objects held in view. It is not so that I have understood the character of Parliament; it is not so that I have conceived the duties of Opposition. There is a ready answer for a Minister to a captious and factious Opposition. He will appeal, and, generally speaking, not without success, to the independent feeling of this House, and if he is not supported here he will appeal without fear to the country. But so long as we represent—whether our opinions be erroneous or not—a great force of public opinion on any question which may be brought forward, it is our duty to express it and to invite discussion upon it; so long as we vindicate, though we be a minority—and it is the necessary consequence of our Parliamentary system that an Opposition should be a minority—the principles of Government and the policy which we think right, we are fulfilling our duty, and not all the swagger of a Minister, not all the flippant taunts of his followers, will deter us from taking that course which we believe to be founded on right and justice. Nor will any majority, however accidentally gained, deprive discussion of its consequences nor prevent the force of truth—if truth be on the side of our opinions—ultimately prevailing.

It is thought, and justly thought, to be a very great inconvenience to have to address you, Sir, at the end of a long and protracted debate. Every document which has been referred to as an oracle on the first night of debate has lost its inspiration in the course of the speeches which have been delivered. Every paper, which was scarcely understood when first introduced to the notice of the House, has become worn and familiar when three or four nights of discussion have intervened; all the arguments which are obvious after having been put forward in every variety of form have become obsolete. There is not an opinion which can be enforced, if it is just, which has not been examined, and all that is left to one who addresses you under these circumstances is the dreary duty of repetition. There is, however, a countervailing advantage, which, were I as dexterous as the right hon. Member for Carlisle, I would make greater use of than unfortunately my abilities will allow me. There is this to be said, that when we come to the conclusion of a debate the circumstances of the discussion have taken the relative positions of importance which they must ultimately occupy, but which when it commences they unfortunately never can occupy; details which are of great import when the debate is opened find their proper position in men's minds as it proceeds, and at the end we have this advantage, that we see the real question at issue divested of all those extraneous circumstances which masses of documents and the ingenuity of speakers have cast around it; and we have therefore the opportunity of addressing the House, as briefly as I shall endeavour to do on the present occasion.

What is the real point which we have to decide upon? The right hon. Gentleman who has addressed the House with so much art (Sir James Graham) has said that the subject under discussion may be divided under two heads—the conduct of the Ambassador, Lord Stratford de Redcliffe, and the subsequent conduct of the Government in the summer of 1855. These, he says, are the two points which we have to consider in calculating what may have been the causes which led to the fall of Kars. With great respect to the right hon. Baronet, I cannot agree with him in that division of his. I do not consider that the conduct of the Ambassador is a moiety—certainly not a principal moiety—of the subject. Let us look a little at this question of the conduct of the Ambassador—because the observations of my hon. and learned Friend the Member for Enniskillen on this part of the subject have been very much misunderstood. I draw from them inferences quite the reverse of those which were drawn by the right hon. Gentleman the Member for Carlisle. When the fall of Kars was first known in this country—I speak of circumstances notorious, I am sure, to Members on both sides of the House—there was undoubtedly an instantaneous feeling of sorrow and indignation in the public mind. I hardly ever remember an occasion when our troops had not been engaged and when our own immediate interests—interests, at least, which the mass of the population would look upon as immediate—were not affected, on which the feeling excited was so deep, so prompt, and so instantaneous. What happened? Mysterious whispers were heard from those who knew it was impossible to deny the nature and consequences of the catastrophe, and who, feeling how disgraceful and injurious the event must be to the Government, were anxious to palliate it as much as possible. It was darkly said, that if we only knew the truth we should find that the Government were perfectly blameless, that there was another influence at work which had produced all the mischief. For a considerable time, in a most powerful and consistent manner, by the most able machinery, the public mind was kept quiet by the intimation that there would at last be a revelation—that it would at last be known—what was the criminal influence which had caused the sad disaster, but that we must wait for a time before the scapegoat could be indicated. At last the fact was published, and the scapegoat was indicated by the same machinery. Every means—I will not say which a Government can influence, because we know that all Governments are totally uninfluential—a Government never influences anybody nor anything—but every means which power, ingenuity, and some feeling of despair could command was set to work to prove that it was the Ambassador at Constantinople who was the real cause of the disaster. Some days before this Blue-book was published we were told that sixty-two despatches, addressed to the Ambassador by Colonel Williams, had remained unanswered, and the people of England were asked whether an Ambassador who left sixty-two despatches unanswered on so important a subject had not betrayed his country? In this way public indignation was excited against Lord Stratford, and there was one of those strong but premature verdicts pronounced against him which are often as unjust as they are precipitate. I am not here to vindicate the conduct of Lord Stratford de Redcliffe with respect to General Williams. My hon. and learned Friend does not bring Lord Stratford's conduct before the House to be branded by its verdict. Look at the Resolution. What reference is there in it to that part of the subject? My hon. and learned Friend was neither able nor willing to defend the conduct of Lord Stratford to General Williams, but in this volume, which contains all the "confidential" correspondence between Lord Stratford and the Government, there is a passage which my hon. Friend the Member for Dorsetshire said he could not believe though he had read it, in which the Secretary of State complains that he has appealed often and often in vain, and continues to appeal in vain, to the Ambassador. But as all the correspondence is placed before the House —much of which it was not necessary to place before us, according to the view now supported by the Government—and an Amendment was placed on the paper by an hon. and learned Gentleman (Mr. J. G. Phillimore) who sits behind the noble Lord, which, if it had any object at all—there certainly are people who have no object in life, and for aught I know the Member for Leominster may be one of them—was meant to divert the storm from the heads of the Ministry, and to direct it on the head of Lord Stratford de Redcliffe, my hon. and learned Friend (Mr. Whiteside) was forced to go into the question of the conduct of Lord Stratford towards General Williams. The Government having placed the whole of that correspondence upon the table and challenged discussion, it was impossible to avoid giving an opinion upon the conduct of that minister, and I defy any person of a generous disposition, or who has a due regard to the public service of this country, to avoid expressing such opinion with the utmost frankness. The conduct of Lord Stratford, as shown by the documents which Her Majesty's Government have placed upon the table, was indefensible. But the argument of my hon. and learned Friend—an argument in which I perfectly concur—a constitutional argument, and, like all constitutional arguments, a just and generous one —is this. If Lord Stratford has sinned so grievously, and you did not recall him, therefore you, and you alone, are responsible for his conduct. It was the unnecessary placing on the table of the whole of this correspondence with regard to Lord Stratford and Mr. Commissioner Williams which forced us to form the opinion which my hon. and learned Friend has frankly and fully expressed. My hon. and learned Friend refuses to include Lord Stratford in the Motion which he asks the House to adopt, because the Government, by not recalling the Ambassador, has made itself responsible for his conduct. I am not surprised that a Cabinet Minister has, in a manner becoming one who occupies such a position, sanctioned and adopted that constitutional theory. Why, Sir, if there are any principles which ought to regulate us in our observations on public men, they are the two principles never to permit an attack to be made upon a particular Minister when we believe that the whole Cabinet is responsible for his conduct—a species of attack which I have ever resisted, and which I hope I shall never sanction—and never to allow that any person employed in the service of Her Majesty abroad—however outrageous, however iniquitous, however ruinous, in our opinion, his conduct may be—whether he be Governor, Ambassador, or General—is guilty so long as he is not recalled by Her Majesty's Government. I suppose the noble Lord (Viscount Palmerston) will concur with me that these are the principles which ought to guide our conduct. But, Sir, I cannot agree with the right hon. Baronet (Sir J.

Graham) that the conduct of Lord Stratford is by any means an important portion of the subject under discussion. It is not touched in the Resolution. [Sir J. Graham: The non-recall of Lord Stratford.] But the non-recall of Lord Stratford is not referred to in this Resolution. I think the question is of a much simpler kind. Somewhat more than a year ago that happened to the Government of Lord Aberdeen which the President of the Board of Control (Mr. V. Smith) says we want to do to the present Government; it was "upset." There is not the slightest wish to "upset" the present Government here. We are not the men for that. If we wanted to "upset" a Government, we should seek an artist on some of the benches behind the noble Lord (Viscount Palmerston). We are plain men, quite content to assert our opinions and vindicate our principles. We are so silly sooth, that we actually express in our Resolutions that which we say in our speeches. But, Sir, rather more than a year ago the hand of a very fine artist "upset" (as the President of the Board of Control says) the Government of Lord Aberdeen. We had no idea that that Government was going to be "upset." We thought it was "a strong Government"—the strongest which this country ever possessed; and I suppose had there not been in the Cabinet one who was equal to the occasion it never would have been "upset." Let me remind the House what was the ground on which the noble Lord the Member for London (Lord John Russell) left that Cabinet and sealed its doom. It was frankly expressed. The noble Lord found fault with the conduct of the war; and mainly, specifically, particularly, and precisely with the conduct of the war in Asia. The hon. Member for Aylesbury (Mr. Layard) had made a speech upon that subject, which reminds me that the hon. Member said the other night that he had been continually bringing the war in Asia before the House, and asked us why we had not supported him—in fact, spoke of us in language almost as contumelious as that of the Scotch Members to-night. I will take this opportunity of saying, on the part of myself and my Friends, that we are quite unconscious of the *laches* of which the hon. Gentleman has accused us. I perfectly recollect that the hon. Member for Aylesbury was in the habit of giving notices of Motions upon almost every night of the Session; but at this moment I have no recollection—my memory may possibly betray me—but I have no recollection that he ever brought forward one of those Motions. Constant visions I have of excited Houses called together to hear the revelations of the hon. Gentleman, and almost equally constant ones of occasions on which—of course prompted by the most patriotic motives—he felt it his duty not to embarrass Her Majesty's Government. That the hon. Member did once make a speech on the war in Asia there is, I believe, historic evidence, because that speech threw into a musing mood the noble Lord the Member for London, and made him contemplate the position of his Cabinet, and his responsibility to his country; and it was that speech, like the first move in the "House that Jack built," which ultimately upset the Government of Lord Aberdeen. Now, Sir, why was the Government of Lord Aberdeen destroyed? It was because he did not efficiently conduct, because he entirely neglected, the war in Asia. Well, that—to use an expression lately adopted from the German—is the "standing point" of this question. We have been told several times in the course of this discussion that we must look to dates. I will look to dates. At the end of January, 1855, the Government of Lord Aberdeen is destroyed by one of Lord Aberdeen's colleagues, who, of course, acted under some sense of responsibility, because he neglected the war in Asia. If you look to dates, you will find that about the same time General Williams was made a Turkish officer of the highest rank, was invested with the ferik, and, judging by his expressions, was evidently contented with his position, and felt that at last he could accomplish all that he desired, and could achieve those great result, which from the first he saw with so clear a ken were to be attained. Therefore, we started the year with great advantages. We had a Government formed expressly to carry on with efficiency this neglected war in Asia, and at that very time all these squabbles, jealousies, and misunderstandings with Lord Stratford—the evil effects of which I do not depreciate, but most earnestly deplore, and think that they ought to be visited on Lord Stratford, and to which I think he cannot look back without regret and remorse—were terminated. We started, then, with this new Government under a happy though most fortuitous combination of circumstances—we had a Prime Minister—a modern Chatham—determined to carry on with vigour the war in Asia, and all these local misunderstandings with which the Government of Lord Aberdeen had to struggle, and which would have been some excuse for them, had been terminated. General Williams was in a powerful position, recognised by the Turkish authorities, invested with great powers, content, sanguine, determined to do his duty, and looking only to the Gentlemen opposite to support him, and to give him an opportunity of attaining those great objects, which, had he been supported, his bold spirit, his mind, so fertile in expedients and resources, would undoubtedly have enabled him to accomplish. If that be a true representation of the position of affairs —and that it is so is proved by your own documents on the table—I have a right to ask what did you (the Government) do? Talk to me no more of Lord Stratford! I admit all that. I admit that his conduct was, as stated by my hon. and learned Friend, indefensible. I think he may read these debates with profit. With regard to him I will agree to anything except the Amendment of the hon. and learned Member for Leominster (Mr. J. G. Phillimore), of which it appears he himself is now ashamed, and which was unjust, unconstitutional, and unsupported by evidence—yet I am told that it was at one time sanctioned by a very great authority. It would have been a disgrace to the House of Commons. But now I ask you —you who were formed as a Government to conduct the war with effect and to prevent the continuance of this shameful negligence of the Asian army—you who had the advantage of acting with a man who had been put in an intelligible, powerful, and satisfactory position—I ask what did you do for carrying on the war in Asia with effect —what did you do for him? This is a question which appears to me to be a very proper one for the consideration of the House of Commons, and I believe that the people of Edinburgh are of the same opinion. I believe that it is much more important that that question should be discussed, that some satisfactory conclusion of this involved controversy should be arrived at, that some determinate opinion should be expressed on this matter, than that the Bill of the hon. Member for Ayr, which the House would not meet to consider, should be introduced. Well, what did you do for General Williams? Did you assist him with men? That is the most extraordinary feature in this case. We have been told that this debate has been prolonged for factious purposes, and that it is quite unnecessary that there should be any speeches upon a subject which is so insignificant and so petty. Nay, but this is a great question, and one in which the honour of the country is deeply involved. Did you assist General Williams; and, if so, when? You did not do it. What plea did you urge for your omission? We have been told that you had it not in your power to do so. I protest that, had I not myself heard this excuse from the lips of Ministers of the Crown, and from those of the right hon. Baronet the Member for Carlisle—I say nothing of the other Members who, like mocking-birds, repeated the words of those high authorities—I should have found it difficult to believe that any man of position would have had the courage to stand up in his place and use such language. We have been assured that we were so engaged in the Crimea, that all the energies of the nation were so concentrated on Sebastopol, and that the stake was so great, the conflict so arduous, that we could not venture on undertaking any other enterprise. That the stake was great I freely confess; that the energies exerted were no greater than the occasion demanded, events have testified; that mighty efforts were required to be made even by the leading nations who were embarked in the struggle is beyond all controversy; but what armies were assembled on that remote peninsula? France was there, Imperial France; England was there, free and patriotic England; you had by your side the Turkish army, a gallant band whose valour had been proved on many a well-contested field; you had brought from the north of Italy a body of men, dauntless and intrepid, for whom I trust that the glorious destiny is yet reserved of exercising a high and salutary influence on the fortunes of their country; and, not content with these assembled hosts, you had entered into conventions, enabling Austria to call to the banks of the Danube all the chivalry of Hungary and of Bohemia to protect your interests in Wallachia and Moldavia. You were five nations allied in a common cause— England, France, Turkey, Sardinia, Austria. That you were playing a high game and that a great stake was at hazard before Sebastopol I do not for one moment dispute. But was there not another power who had also a great stake in that mighty fortress? Had not Russia everything at stake in Sebastopol? And did she not prove how deeply and how tenaciously she felt its importance and value? Now that peace has been concluded, we can afford to speak of Russia with the respect and admiration due to the prowess, the valour, and the foresight of which she gave such abundant evidence throughout the recent contest. Russia, I repeat, had everything at stake in Sebastopol. Her pledge was as grave—her interest in the fate of the struggle as momentous as it is possible for language to describe. Yet Russia could at the same moment defend Sebastopol and invade Asia Minor. And now we are to be told that the combination of two such enterprises exceeded our Powers! What a tribute to our country! What a compliment to our great and faithful ally! What an encouragement for these rising Sardinians! What an animating reflection for Turkey in her future conflicts with the Czar, to tell her that the banded nations of Europe made common cause against Sebastopol, and that Russia, unaided and alone, not only baffled them for a year, but sent an army of diversion to Kars, while you could not afford 900 men to General Williams! I will not believe that we are so fallen that the House of Commons will tolerate such a defence. I tell you that you ought to have sent forces to Asia Minor—however grave the responsibility that devolved on you—however great the stake for which you were contending—however arduous the difficulties that encompassed you. Yes, even though you had not had these true and gallant Allies by your side—even though you had stood against Russia single-handed and alone at Sebastopol, it still would have been your duty to have sent assistance to General Williams in Asia Minor. What did General Williams ask? We have upon the table of this House a despatch from that heroic officer, written about the time when the Ministry of the modern Chatham was formed on the principle of carrying on with vigour the war in Asia Minor. I believe I am correct in stating that that despatch bears the date of the very day on which the noble Lord took his seat as First Minister of the Crown. In that most interesting document General Williams gave you an estimate of the forces necessary not only to secure his communication with Erzeroum, and the coast, but also to destroy the Russian army in those regions. It was no such extravagant calculation—he asked for 20,000 men. Yet this assistance could not be granted. While you were besieging Sebastopol, with the aid of half the nations of Europe, we are to be told that with all the resources of England as completely at his command as if he had been an autocrat, with an enthusiastic nation ready to pour their treasure into his exchequer, the noble Lord at the head of the Government could not afford to send 20,000 men to the relief of the beleaguered garrison in Armenia! It exceeds belief. Say, if you choose, that as a matter of high policy you did not think it necessary to interfere; say, as the Chancellor of the Exchequer said last night, who, with all the force of a most logical reasoner, laid it down that the fall of Kars was not an event of any military or political importance—say that or anything like it, and, however the facts of the case may be, you will at least have a plausible case for argument; but, in the name of common sense, and if you would not insult the intellect of the House, do not ask us to believe that you were prevented from vindicating a great principle of policy in Asia Minor, because, forsooth, your energies were concentrated on Sebastopol.

Sir, on the treaty of peace which the right hon. Baronet (Sir James Graham) thinks so satisfactory I shall express no opinion, except to say in general terms that peace is a great blessing where war has been carried on so inefficiently; and that for my part, after all I have seen, I should be disposed to welcome any peace which is not disgraceful. I did not introduce the subject; it was brought forward by the right hon. Baronet himself, who, singular to say, with regard to the only two Articles of the treaty which he quoted, was inaccurate in both. In the first place, as to religious toleration in Turkey, which was said to be secured by the treaty, I should be surprised to see any of the contracting parties presume to interfere with Turkey in favour of the Christians in virtue of the Articles of that treaty; nor do I agree with the right hon. Gentleman that the forts on the Eastern coasts of the Black Sea are to be destroyed, as he supposes them to be, under the stipulations of that document. The treaty, as I read it, does not at all touch those important places—it will be found that the fall of Kars prevented that result being accomplished. This, by way of episodical answer to the right hon. Gentleman's own episode on the subject of the treaty. Reverting to the question more immediately under consideration, I will take leave to assure the right hon. Baronet that, whatever the treaty may be—whatever humiliations its conditions may impose on Russia—whatever may be her sacrifices of territory, fortresses, or fleets, Russia is entirely compensated for all her losses by this avowal of the English Minister in the presence of the English Parliament, that united Europe, when pitted against her, was not so strong as to be able to offer resistance to her simultaneously in any two regions.

But, if you did not send men for the relief of Kars, did you send money? This is a question that has been asked on both sides of the House during the course of this debate. How ably has that point been urged by the right hon. Baronet, who, if he be right in his view—and no one can question it, and who, if he be correct in his inferences—and who can doubt it—will not stand justified before the country in giving his support to the Government. Indeed, I must take leave to inform the right hon. Gentleman that the grounds on which he seems disposed to vindicate his vote are not such as are likely to find favour with the country. When he speaks, he is listened to by others besides those who are assembled in this chamber. The people of England watch with interest what falls from his lips; and when they are told that, in the opinion of one of the most experienced of our statesmen a Minister is to be exempted from the penalty of his misconduct—the censure of this House—merely because he happens to be an ancient comrade of the right hon. Baronet, they will be amazed at the doctrine, and confess that they have heard from him a sentiment well calculated to shake their confidence in public men. But I again ask, did Ministers send money to General Williams? Who will rise in this House and assert that they did? If the hon. Member for Leominster (Mr. J. G. Phillimore) had in moving his Amendment prefaced it by a preamble, declaring that Ministers had supplied the money to the Turkish Government, that would have been an *ad captandum* argument in their favour, and it would not have been so soon withdrawn—the fate which so often befals rash and ill-considered Amendments; and, although in debate, facts and dates must have destroyed it, it would still have attracted the attention of the House. But no, not a man presumed to intimate a suspicion that the Government had sent a single piastre. The soldiers of five nations were wanted—every man of them—at Sebastopol. Was the money required there also? Were all the balances of the Exchequer likewise and of the Bank needed at Sebastopol? The noble Lord at the head of the War Department should have known, if any one did, what are the sinews of war; yet it will not be asserted that he sent any supply of them. On subjects of finance the Chancellor of the Exchequer is, of course, a high authority, but he will pardon me if I view with suspicion, and dissent from his opinion on a question of high policy. He must permit me to say that I do not concur with him in thinking that the fall of Kars was neither a military nor a political disaster. That is not a subject upon which I can give the right hon. Gentleman my confidence—though on questions of finance, whatever our political opinions, we naturally listen to anything that falls from the right hon. Gentleman with the respect due to his high position. He knows the value of money, and does not pretend for a moment to deny that any sum, however small, would have been of advantage to General Williams. "But," says the Chancellor of the Exchequer, "supposing we had proposed a vote of money, what chance should we have had of carrying it with the opposition to which we should have been subject?" That is the strangest doctrine that I ever heard a Minister of State advance in the House of Commons. The functions of an Opposition under our form of Parliamentary Government are clearly defined and intelligible. Every Minister knows that the measures he introduces, if they have weak points in them, will naturally encounter animadversion. The country expects so much from the Opposition; but there are limits to this resistance, and I defy any Opposition to persist for any length of time in a course antagonistic to the national feeling or to common sense. The legitimate remedy of a Minister lies in an ultimate appeal, if need be, to the tribunal of public opinion. But I lay it down with confidence as a maxim which the right hon. Gentleman cannot controvert, that it is the duty of the Government of this country to propose all such measures as they believe to be essential to the public welfare, without the least reference to, or consideration of what, may be the conduct of Opposition. The assertion of a different principle is a libel on our institutions, and I say, Perish our Parliamentary constitution if its spirit be such that in a period of war—in a critical emergency—a Minister dare not avail himself of the national resources because he fears the criticism of Opposition. Yet we have been told in this debate that we are not to allude to the extraordinary doctrines advanced by the Minister in defence of his conduct; and the hon. Member for Edinburgh, accusing us of faction because we proceed with this debate, says it is not of the slightest consequence that we should trace national calamities to their source, and that the assertion of dangerous principles is, forsooth, to pass unchallenged in the House of Commons. But if the position taken by the Chancellor of the Exchequer was constitutionally so untenable, how does it work practically? The noble Lord at the head of the Government introduced the Turkish Loan Bill to this House. Its preamble, if I can recall the terms aright, declares that the loan is to be raised for the defence of the territory of the Sultan. Were you too late in bringing forward that measure? If so, what is the vindication of your tardiness? But were you in time? You charged us with being an obstacle to your affording the necessary supplies to the Ottoman Porte. We were no such obstacle; whatever were our intentions, your Bill was passed with promptitude. I ask you, then, what did you do with the loan? Did you furnish the Sultan with money; and, above all, did you remit the funds in time? But what did you do? Your measure was opposed in this House on grounds which, on reflection, I still believe to have been sound and constitutional. Its policy, I think, cannot be too severely impugned. In any case, it could only be justified by the extreme urgency of the occasion. There are moments, I admit, when even the constitution must be wrested to save an empire; and if the noble Lord had, by his sudden, crude, and unprecedented project, rescued the Asiatic dominions of the Sultan, he would have found that vindication which energy, and especially successful energy, has a right to obtain. But not a piastre of your loan went to the relief of Kars. The justification of the Government is, that it was too late—that is the excuse given by one of their own Members. Of its truth, however, I am not quite so sure. The first instalment of the loan was paid in the month of August; and the wonderful victory of General Williams at Kars was gained at the end of September. But I will not insist that the money might not have been sent too late. I will not be so severe as to deprive the Government of the immense vantage-ground afforded them by such a plea, although I may doubt its perfect accuracy. Yet, in either case, I ask what became of the money? Have hon. Gentlemen looked at the return for which I moved on the day that Parliament met? At that date those millions, raised by appeals which, if sincere—as I do not for an instant doubt—could only be justified by the Minister's want of information and care, were absolutely lying idle in the Bank of England, not one-third of the sum having been transmitted to Turkey. I do not for a moment pretend that the Turkish loan was necessary to have saved Kars. We all know the amount necessary to have done that. A sum such as you raise as a testimonial to a successful railway speculator, the sum that every hour of our lives we are called upon to contribute for some meritorious but obscure instance of excellent conduct, would have saved Kars. Why, Sir, the Cabinet might of themselves have subscribed the money. The Government of Lord Aberdeen was destroyed because the war in Asia must be conducted with vigour; to achieve that object the noble Lord (Viscount Palmerston) stepped into power. I ask him, how has he conducted that war with vigour? Did he send men or money to General Williams? I have, I think, disposed of the unworthy and ignominious plea that you were too much occupied with the siege of Sebastopol to be able to defend Kars. If you had been attacked in your Indian Empire, at the Cape of Good Hope, or in any of your other possessions, we should, of course, have exerted ourselves to repel the attack. But was this less a British interest—did it less concern British honour? Of all the arguments used in this debate the one most discouraging and depressing to the heart of the nation is that which says you were unable, with all the aid of banded Europe, to resist the foe save at one point, and that he must be suffered to run riot elsewhere because your energies were absorbed in opposing him at Sebastopol. I am told that the Resolution before us applies strong language to the Ministry. An Administration of great responsibility having been displaced in time of war because it failed to wage the conflict with adequate vigour, a new Ministry is constructed for the special object of correcting the omissions of their predecessors. Yet, when a heavy disaster occurs on the very theatre of the struggle which they were chiefly bound to prevent, because under such circumstances, I ask whether they sent men or money, and find that they did neither, I am to be told that I am supporting a Resolution couched in strong language, since it accuses such statesmen of want of foresight and energy. I have a right to ask whether they have displayed foresight and energy. Where is the display of those qualities proved? I am not addressing the right hon. Gentleman the Member for Carlisle, because, although he is about to support old comrades, he has, in a most crushing and effective speech demonstrated that they have exhibited neither energy nor foresight. I am addressing the Government—the modern Chatham, the War Minister *par excellence*—and I ask him in all humility, where in this period of the new Administration is foresight to be detected and energy discovered? On the 5th of March, General Williams sent to the Government of England an account of the force necessary to secure not only his safety, but his triumph. His demand for aid was moderate, and might easily have been met; but how was it treated? The facts are in the recollection of the House, and I have no wish to pervert them. Why, Sir, the communication was bandied from public office to public office, and tossed from one Under Secretary to another. The two Under Secretaries corresponded with each other from either side of Downing Street like two wooden puppets pulled by strings—the principle of existence was not necessary to such beings—to accomplish such results vital power was not necessary—the *animula vagula blandula* —that evanescent essence—animated not those mechanical and frigid forms. It is most extraordinary—it is in itself a ground of censure of Her Majesty's Government that they should, with fatal accuracy, have published this correspondence—that they should have revealed to Sardinia, to which this country ought to be a model, that this is the mode in which our public business is conducted—that they should have damped the rising energy of Turkey by showing that the great nation which is to be its saviour, conducts its affairs in such a manner. Well, the Under Secretaries communicated from either side of Downing Street, at intervals of about a fortnight, the Principal Secretaries animating them with instructions quite worthy of the occasion. The demand of General Williams was tossed back to Constantinople to our Ambassador; at Constantinople it was tossed back by our Ambassador to the Divan, he having no other instructions than to ask the Turks to do that which British counsel, British gold, and British valour ought to have accomplished. I ask then this question—a very simple one—was that energy? Is there a man in this House who will say that was energy? Will even the First Minister of the Crown rise in his place and say that was energy? Well, on the 3rd of August the War Minister of this country, then engaged in one of the greatest struggles in which we have ever embarked, was in his place in Parliament called—I will not say to account, but to deep and serious reflection, by one who will be admitted, even by those who differ with him on general political questions, to be a ripe and practised statesman, and one eminently qualified to speak upon such a subject—the Earl of Ellenborough. In the month of August Lord Ellenborough, in his place in Parliament, called the attention of Her Majesty's Government to the state of affairs in Asia, and asked for information with reference to our policy. The War Minister of England then assured Parliament that in the opinion of Her Majesty's Ministers the power of the Porte was sufficient to maintain its authority and dominions in Asia. Was that foresight? If the first instance was not energy, I ask the noble Lord the Prime Minister was the second instance foresight? Mind you, the period we are discussing is the first year of a new Ministry, formed upon the principle of conducting the war in Asia, and from the period of their formation to the fall of Kars there was an interval of nine months. We find that at last the Porte, wearied with the energy and foresight of the British Government, in its desperation rallied its resources; it made a final effort, and it offered a plan of action for the approbation of the British Ministers. That project of the Porte, after due deliberation, and after many councils, was described by Her Majesty's Government as an insane plan; but I find that a month afterwards the same project was adopted by Her Majesty's Government, and intended to be put into execution. Well, is that energy and foresight combined? We have had an instance of energy and one of foresight—we now find these finer qualities of genius brought into play together; we have prescience and vigour united, and the fall of Kars is the result.

We have been told that we are not justified in bringing forward this question. Why, what subject, for weeks, I may say for months past, has more occupied public attention? Upon what subject has there been more industrious misrepresentation and greater perplexity? If the only result of this debate had been to show the true light in which this question is viewed by this House and by the country it would be an important discussion, as it is one necessary to the honour and usefulness of the House of Commons. We have, however, been told by the right hon. Baronet who last addressed the House, and the other night by the noble Lord opposite, when he tried to suppress the debate, that in another place we have shrunk from the discussion of this question. But I may state—I will not say after inquiry, for no inquiry was necessary—I can assure the noble Lord and his colleagues that they are very greatly mistaken. There has been no disposition in the other House of Parliament to shrink from the discussion; the course taken in that House by a noble Friend of mine was one which he could not avoid. My noble Friend (the Earl of Malmesbury), I believe, fully and entirely approves of the sentiments expressed in the Resolution of my hon. and learned Friend the Member for Enniskillen (Mr. Whiteside); but that noble Lord thought proper to include in his Motion a declaration of opinion that it was expedient to consider the effect of this question upon the conditions of peace. My noble Friend's notice was given for Friday; but the Foreign Minister then rose and stated that the treaty of peace would be brought before the House on Monday; and, after what I cannot but think the injudicious introduction into his Motion of the declaration I have mentioned, it was of course totally impossible, after the announcement of the Foreign Minister, for my noble Friend to pursue the course he had originally intended to follow. I do not think, however, that the Prime Minister will find that my noble Friend will shrink from calling for the opinion of the other House of Parliament upon this subject.

I have now touched upon what I conceive to be the principal points for the consideration of the House. I have avoided details, because I think, on the third night of the debate, and with the familiarity with the subject which we must have acquired, it is unnecessary to do so. It only remains for me to refer to the nature of my hon. and learned Friend's Motion, to which I shall give my support, and which I trust the House will not reject without due consideration. Sir, this Motion, upon a subject which, as I think I have shown, ought not to be lightly undertaken, is framed in language which, in my opinion, is perfectly justified, not merely by the arguments which have been submitted to the House, but by the admissions which have been made by Her Majesty's Ministers themselves, and by the unswerable arguments of the right hon. Member for Carlisle. This Motion has been brought forward by my hon. and learned Friend the Member for Enniskillen, at the desire, and with the concurrence, of all those who have the pleasure of acting with him in public life. It has been said that my hon. and learned Friend precipitately forced this subject upon the consideration of the House. It is not the habit of my hon. Friend to force any subject upon the consideration of the House. He is, in my opinion, peculiarly fitted to bring forward this question, from the attention he has devoted to the subject, and from his intimate acquaintance and constant intercourse with that gallant officer who was so rudely rejected — or rather ejected—from the office which he held by the present Minister for War. The hon. and learned Gentleman brought forward his Motion in a manner which entirely justified the expectations of his friends, and I cordially thank him for that great intellectual effort, by which he has fully sustained the reputation of this House—dear, I should hope, to men on both sides. Two Amendments have been proposed to the Motion of my hon. Friend —one by an hon. and learned Member opposite (Mr. J. G. Phillimore), and the other by my hon. Friend the Member for Dorsetshire (Mr. Ker Seymer). I shall support the Resolution of my hon. and learned Friend (Mr. Whiteside), the introduction of which to this House, so far as my humble influence is concerned, I have already sanctioned, and I shall await with interest the answer to the observations I have made before I relinquish it. I wish it, however, to be understood that I had no desire—so far as the forms of the House are concerned—to stand in the way of the Amendment proposed by the hon. Member for Dorsetshire being placed before the House. I approve of the Motion of the hon. and learned Member for Enniskillen. I have vindicated it, and I am prepared to give my vote in its favour. I know very well the objections that are brought against Motions which it is probable may not be carried in this House. In my opinion those objections are founded entirely on a fallacy, and I think that the House of Commons, or rather the Opposition, commit a great mistake if they limit the occasions upon which they ask for the opinion of this House to those cases only in which, as the President of the Board of Control says, they may upset a Cabinet. Far from that, I think, upon every occasion of importance, when there are subjects which arrest public attention, and especially subjects upon which the public mind is perplexed, it is the duty of the Opposition to assert the policy which they approve, and to vindicate the principles which keep them together; and to comment upon and denounce the conduct of the Minister, if they think that that conduct is injurious to the interests and the honour of the country. If the Opposition relinquish that duty,—if the country have reason to believe that they shrink from performing that office, if they take refuge in a scandalous silence because they think they may not put the Ministry in a minority, I can tell them that they will, in the long run, fall in public estimation; and that this House, too, will, equally in the long run, fall in public estimation; and that no greater blow to the privileges and reputation of Parliament and to the influence of the House of Commons can be levelled than that it should become a question whether or no the Opposition is influenced only by selfish and sordid sentiments of official success and Parliamentary triumph. The noble Lord opposite may not be of my opinion. I fear the noble Lord is not of my opinion. Nothing but sentiments contrary to mine —nothing but a rule of conduct in public life, utterly opposed to that which I have attempted to describe, would have induced the noble Lord, with indecent exultation the other night, when he knew, or ought to have known, that the question had only been partially discussed, and had not even been decently discussed from his own benches—nothing but feelings contrary to mine could have induced the noble Lord to express himself in such a manner as he did the other night when a temporary majority was obtained by him. I deeply fear that the noble Lord is influenced by very different feelings to mine on this subject. ["Oh, oh!"] Well, I will prove to you that it is so. These happy interruptions, when one is sometimes nearly wearied with a lengthened discussion, are what one is not ungrateful for. I remember a crisis in this country scarcely of less importance than the one from which we are now emerging. I remember when this country was on the eve of a war with a country with which, of all others, I should most deprecate hostilities, not only from considerations of material interests, but from moral considerations—I mean the United States of America. I remember when this country was on the eve of a war with that great Power. Sir Robert Peel was then Prime Minister of England; he appointed a negotiator for that emergency, one admirably qualified for the difficult but noble task which he had to accomplish. With a wisdom which can never be too much admired and appreciated, Lord Ashburton prevented a war, and he laid the foundation of what I trust will be an enduring peace, even though the noble Lord opposite is Prime Minister of England. Well, Sir, when Lord Ashburton returned with an admirable treaty he was received with the gratitude of the country, and with the appreciation of all men who duly valued the importance of his labours. But there arose in this country, immediately on his arrival, an organised attack upon what was called "the Ashburton capitulation"—an attack conducted with ample knowledge, prosecuted with unceasing vigour, and constantly impressing upon the public opinion of England that our interests had been betrayed and our honour had been disgraced. Well, Sir, in due time, when the same feeling with regard to the Ashburton capitulation had been created as has now been created in regard to the capitulation of Kars, and when Lord Ashburton was selected to be the scapegoat then, as Lord Stratford de Redcliffe is selected in the present instance, due notice was given to the Parliament of England that this important question, involving, as a perplexed and frightened public believed, the deepest interests of the nation, and one which concerned matters of charge against the Prime Minister of England scarcely short of treason, would be brought under the consideration of Parliament by one most competent to that duty. It was brought forward by one who sat on this side of the House, and opposite this box; and he had that which neither my hon. and learned Friend nor myself can pretend to—accurate official experience, derived from long years of possession of office, powers of great eloquence, and unrivalled knowledge of the subject. The noble Lord recollects the time when he introduced the question of the Ashburton capitulation to the attention of the House of Commons. The noble Lord and his Friends now sneer at long speeches when the conduct of Ministers is impugned. But the noble Lord, on that occasion, made a very long speech, though I do not believe it was quite so long as the speech of my hon. and learned Friend—it certainly was not so entertaining—that, however, was not the fault of the noble Lord, but of his subject. Never were such charges brought against a Minister as were made on that occasion, when the assembled Parliament hung on the accents of the noble Lord, a most experienced Minister, with a knowledge unrivalled in diplomatic subjects, and who is now Prime Minister of England. They were charges little short of treason; they were urged by the noble Lord, master of speech as he is, in a speech of hours. But the noble Lord is not a rash leader of a party, like my humble self. He can make a long speech, and can make charges which no man has a right to make who is not prepared to take the opinion of Parliament upon them. The noble Lord did all this. The charges were brought forward with all the pomp and solemnity of an impeachment; the debate was adjourned; but the noble Lord, on that occasion, concluded his elaborate and lengthened harangue, not by a Resolution, and in strong language, but by a Motion for papers. Now, I wish to contrast, for the instruction of the House, the fate of my hon. and learned Friend and the fate of the noble Lord. I wish those who think it rash to speak in strong language—I wish those who think it precipitate and dangerous to express in a Resolution that which they say in speech—I wish them to contrast the lot of my rash and impetuous Friend with the wary and circumspect conduct of the noble Lord. I am certain that the House will feel that the noble Lord who accuses statesmen of treason, and ends by moving for papers, must conduct his business so as to come out of it in a manner much less humiliating than that which the noble Lord told us, with so much polished courtesy, would be our doom this evening. Sir, we may be defeated; but until the numbers are really known it is not necessary for me even to believe in that. But this I know, that the opinion expressed in the speeches of those who support my hon. and learned Friend will be expressed in the division, and he will have the support of a large and powerful party, while the noble Lord may possibly have a majority formed of those who have made speeches against him. That will be to reverse the position of my hon. and learned Friend. But what was the position of the wary master of tactics on the occasion of which I have spoken? Why, on the second night of the debate the noble Lord, strong with his Blue-books, and with his documents admirably arranged, labelled, and tied up, this great statesman, who would not enter upon any imprudent course, had the satisfaction of seeing the House counted out. Therefore, I think the noble Lord, who took such an exulting tone the other night, and who seemed to suppose that ours is to be the minority and his the majority, ought to remember that, whatever our fate may be, it will be at least superior to that of the noble Lord when in a similar position.

Sir, the right hon. Baronet the Member for Carlisle has said, to-night, he could have wished that a proposal had been made to vote the thanks of this House to General Williams, but that there existed no precedent for such a course. I too, Sir, wish that this House had proposed a vote of thanks to General Williams. I wish this House had proposed a vote of thanks to General Williams and expressed its indignation at the manner in which he has been supported. That was an idea which had occurred to others besides the right hon. Baronet. But we, too, were stopped by routine. There was no precedent. I think it would have been wise if we had made a precedent. There would have been something noble in an exile and a prisoner receiving the homage of an applauding Senate and an admiring country. I think it is well, sometimes, that we should show our sense of the conduct of men who, though not successful, are at least triumphant. Sir, there are heroes in adversity; there are prisoners—not to say it profanely—who lead captivity captive. We have not been able to express those feelings; but, at least, we have done this—we have not taken refuge in a shameful silence; we have allowed the people of this country an opportunity of having their opinions and feelings represented in this, their own House; and whatever may be the fate of this division, we have had the satisfaction of expressing our sympathy with heroic merit and with national honour.

LORD JOHN RUSSELL: As I have frequently been alluded to in the course of this debate, I trust that even at this late hour, and on the third night, the House will indulge me for a brief space with its attention. Sir, I admire, in common with others, the ability and eloquence of the hon. and learned Gentleman who introduced this Motion; but I own that it did not appear to me, admitting that a vote of censure may at any time be proposed, that he chose with singular infelicity the occasion of the present Motion. If the war had gone on, it would have been competent for the hon. and learned Gentleman to say that Turkey in Asia was endangered by the loss of Kars; but the answer to any such allegation now is that the war is concluded, and that Kars, in a few weeks, will be again bearing the flag of Turkey. Or it might be said, in another view, that the loss of Kars had been injurious to the negotiations, and that the terms of peace bore testimony to the loss which we had suffered when Kars surrendered; but the hon. and learned Gentleman, instead of following the example which has been given, as I have heard, in the other House of Parliament, did not wait for the production of the treaty, but on the very day that the treaty was laid before us, he produced this Motion to the House. Well, then, Sir, I must say, upon the Motion itself, that I think the House of Commons will be disposed to view the war as a whole, that they will regard its various parts and imports, and will consider whether, having undertaken to defend Turkey for the present, and to obtain for her some security for the future, those objects have not been fully obtained. With regard to the aggression of Russia upon Turkey, it was evident that that aggression might be made either in her European provinces, or by means of a fleet from the Crimea, or, lastly, upon the Asiatic frontier. With respect to the European provinces of Turkey, the heroic defence of Silistria, the gallant feats of arms on the Danube, and, latterly, the convention with Austria and the evacuation by Russia of the Principalities secured Turkey upon that side. The next question is, what were the means of offence which Russia possessed in the Crimea? Lord Aberdeen's Government, after deliberation, considering in what manner the means of warfare on the part of Russia might be crippled and the war be brought speedily to a conclusion, decided that the mode of obtaining those objects was to send an expedition to the Crimea. The right hon. Gentleman certainly at the time expressed his fears of any such expedition. Undoubtedly the determination was one of a bold nature to arrive at, and the expedition was hazardous in its character. For a time that expedition did not succeed. The bombardment of the 17th of October failed, the winter was passed in privation and in misery, the bombardment of April likewise failed, and the assault made upon the 18th of June was unsuccessful. Well, then, I ask the House,—such being the state of your expedition to the Crimea, undertaken with the best troops of England and of France—was it not the duty of the Government to endeavour by all means to procure the success of that expedition? to encounter any risk, to forego any objects, rather than allow that expedition to fail? The hon. and learned Gentleman who introduced this Motion blamed the Government of Her Majesty, and blamed the Emperor of the French for desiring, before an army was despatched from Balaklava and Eupatoria to Asia, that the opinion of the generals of the allied forces should be taken. Sir, I think that the allied Governments acted wisely in that respect. I think that they acted with foresight and with energy. What would have been the case had the assault in any respect failed, owing to the want of troops at Balaklava and the means of protection against an attack by the Russians, such as was made by them on the Tchernaya shortly before the end of the siege? The dread of such a failure, or such an attack, then, was the obvious reason—the prevaling motive—why an expedition was not sent earlier in order to succour Kars. I will not at this time of night enter into that military question, which has been so ably argued by an hon. and gallant Gentleman, whether it was better to relieve Kars by going to Kutais in the direction of Tiflis, or to make an attempt by way of Trebizond; but I may observe that the President of the Board of Control has said that the Government took military opinions before they arrived at that conclusion. Therefore, I think that they are acquitted of all charges made upon the head, which might otherwise seem very plausible, that the Turkish authorities having decided in favour of one operation, they peremptorily rejected it and proposed another. We come then to the question whether, consistently with attacking Sebastopol and attempting to destroy—as they did destroy—the whole fleet of Russia, which had been so long a menace to Turkey, the Government could obtain men and money for the purpose of sending to Asia. I own that I heard the accusation upon the subject from the right hon. Gentleman the Member for Buckinghamshire, and those who act with him, with a good deal of astonishment; because I remember that after every means of pressure had been employed, we were only able to send just a sufficient number of troops to the Crimea to hold the lines at Sebastopol. At that time it occurred to the Government of Lord Aberdeen to raise a force of foreigners—of Germans, Swiss, and Italians; and if some 20,000 or 30,000 men could have been thus collected at Constantinople who were not absolutely wanted in the Crimea, there would then have been the means of sending a force to assist the Turkish army either at Erzeroum or at Kars. But what was the discouragement which was thrown upon that plan? What were the terms of contumely which induced high-spirited Germans for some months to refuse to enlist in any such corps, and thereby prevented the aid which might otherwise have been given to Turkey? And by whom was that discouragement made and those terms of contumely used? By Lord Derby and Lord Ellenborough in the other House of Parliament, and by the right hon. Gentleman and his Friends in this. Then it was desirable, no doubt, to send money to Turkey to enable her to continue the war. A loan was obtained by her own credit in the first year of the war. In the second year, the whole of that money being exhausted, Turkey, finding it extremely difficult to support, to feed, and to pay her army, asked the assistance of the Allies, and requested them to support her credit. I think it possible that the better course would have been to make a plain grant and subsidy to Turkey. However, I was quite content to take those means which were asked for, and which would secure some pecuniary assistance to Turkey. But when that was proposed in this House, and when my noble Friend at the head of the Government, going far beyond the usual language of Ministers, implored this House to grant the guarantee, because, as he said, "Turkey might fall to pieces if she had not that aid"—to such an urgent appeal, to such a demand on the part of the First Minister of the Crown, to enable Turkey to have that pecuniary assistance which, whether it were in Europe or in Asia, might help her to obtain military resources, this House, by almost a majority, refused to accede. But who were foremost in the endeavour to refuse that assistance? Why, the right hon. Gentleman and those who act with him. And I remember especially watching the language of the right hon. Gentleman now the Member for the University of Cambridge (Mr. Walpole), with the view of seeing whether his objection was to the particular form of guarantee, and whether he would say, "If you will give up this engagement, be the sum which you require large or small, we are ready to grant it in the form of a subsidy." But, no; there was no such word employed. The objection was to the loan; although it was certainly hinted at the same time that, if some future proposition should be made which had been well considered—but of the nature of which no shadow of an idea was given—then, perhaps, hon. Gentlemen opposite might take it into their consideration. And now those Gentlemen who opposed the means of obtaining money for Turkey come forward and say, with emphasis, "How wanting you are in foresight and in energy! What the Turkish Government wanted was men and money, and you did not accord them either the men or the money." The right hon. Gentleman opposite has alluded to me, and if it be true, as he says, that his memory has become weaker, I can only say that his imagination has become stronger; because, in alluding to my resignation of office in Lord Aberdeen's Administration, he asserts that that resignation was owing to my objection to the mode in which the war was being carried on in Asia. Now, in the explanation which I made in this House I stated the grounds upon which I resigned the office which I had the honour to occupy. I stated that the reason that I could no longer hold office was, that I did not feel myself justified in opposing the Motion for Inquiry which was brought forward by the hon. and learned Member for Sheffield. That Motion my noble Friend now at the head of the Government and the other colleagues of Lord Aberdeen felt themselves bound to oppose; but as I differed from them in that opinion I resigned, and I resigned upon that ground alone. The right hon. Gentleman, however, because it suits his purpose to-night, asserts that the reason for which I resigned was because I was dissatisfied with the mode in which the war in Asia was being conducted, and I wish to make one or two observations upon that subject. In the first place, let me say, that the conduct of General Williams and his companions has merited the thanks of the people of this country, although, indeed, I think that they have been spoken of somewhat contemptuously by the hon. and learned Genman. ["No, no!"] Why, Sir, the phrase that the only assistance sent to the Turkish army in Asia consisted of four officers and a doctor, was, to say the least, not very respectful towards those gallant men. I must say, that in this case it has been proved that a single man—a single man of great energy, and well acquainted with the duties which he had to perform—a man who could inspire others with his own courage, who could adopt measures for obtaining supplies when provisions were failing, who could direct a successful and glorious resistance to such an assault as was made upon Kars, is as good a reinforcement as 10,000 troops. I think that General Williams and his companions have, by their conduct, gained immortal fame, and have shown themselves an honour to the country which produced them, and also to the men who selected them for the service upon which they were engaged—I mean Lord Clarendon and Lord Aberdeen. I must say, too, while I am paying a just tribute to General Williams, I cannot but think that if there was one among those men who, finding that the loss of the Turks by sickness alone had been between 10,000 and 12,000 men, organised their hospitals, instructed the young and inexperienced, who relieved suffering and often averted death—such a man is not less to be lauded than those who successfully organised resistance to the assault. I could not, Sir, conclude what I had to say without some tribute to these gallant men. But further, Sir, I must congratulate my noble Friend upon the fact that the war, having been conducted with success, that the objects for which it was commenced having been obtained, a satisfactory and honourable peace has been concluded. I cannot but believe that it will always redound to our honour that when Turkey was in danger from the ambitious projects of her neighbour—projects almost openly avowed—we, without any hope of gain, and with no hope of reward, but the feeling of satisfaction that we were maintaining the independence of a friendly Power, and preserving the balance of power in Europe, should have flown to her assistance. I think, also, Sir, that our success, and the position in which we now find ourselves, is a great triumph of the principles of our institutions. It was said by a noble Lord in another place, that in the war now happily at an end, the principle of representative government was on its trial. I can hardly agree to that statement, because I think that the principle of representative government had already been subjected to shocks as severe, and had always been triumphant. This war, however, is another triumph to that principle. We end the war successfully, with our finances unimpaired; with our trade uninjured; with the spirit of our people as high as it was at the commencement; and this, Sir, is to me another proof that a representative form of government is as great a tower of strength in war as it is a cause of prosperity in peace. I trust that, whatever may be at times the injustice of public opinion—and I think I am one of those who at times have suffered from that injustice—that in this country, and in every country where we can have any influence, there will always be a free current of public opinion; and I think that representative institutions have gained fresh strength, and excited increased admiration from the contest in which we have lately been engaged.

Viscount PALMERSTON: Sir, the right hon. Gentleman opposite (Mr. Disraeli) has taunted me with the course which I deemed it my duty to pursue on Tuesday last, and has endeavoured to represent that the object which I had in view was to stifle discussion upon the important subject now under our consideration. That representation I utterly deny. Undoubtedly, at the hour at which the Motion for adjourning the debate was made, I thought that time remained for continuing the discussion to an end, and that, considering the importance of the subject, it would be more fitting to go on with it than to adjourn it to this evening. I thought then, and I think still, that the division upon that occasion was not simply a division upon the question of adjournment, but that it represented, in a great degree, the opinion which the majority of the House entertained as to the question which we are now discussing. And I think, therefore, that we are now performing what has often been called the Parliamentary process of dividing first and debating afterwards. The speech of the hon. and learned Gentleman who brought forward this Motion was certainly a wonderful speech. It was a speech of great ability, as all speeches made by the hon. and learned Gentleman necessarily must be; it was a speech, however, which must have impressed every one who saw it. I say "saw" it in preference to saying "heard" it, as displaying on the part of the hon. and learned Gentleman as much bodily activity as mental acumen. The friends of the hon. and learned Gentleman must have admired the bodily vigour which enabled him to speak for more than four hours and a half. But if that speech did credit to the power of body and mind of the hon. and learned Gentleman, it most assuredly did no credit to the judgment in which it was conceived. The hon. and learned Gentleman began with a long dissertation upon the interests of England as connected with Persia, and Affghanistan, and India, and he founded the argument by which he proceeded to condemn the conduct of the Government upon the assertion, that by not attempting operations in Asia we were neglecting the great interests of England in India. I cannot help believing that nothing could be imagined better calculated to increase and promulgate a suspicion which the enemies of England entertain, and at the same time to sow the seeds of dissension between us and our Allies, than the necessary inference from that argument. Why, Sir, the Russians who were opposed to us endeavoured to instil in the mind of our Allies that we were dragging them into war for objects of our own; that our object in going to war was not so much the defence of Turkey as it was the protection of India. I entirely deny any such insinuation. We engaged in the war not with any view to the defence of India. If India be attacked, we are capable of defending her alone. We do not require allies to help us to defend any part of the British dominions; we are quite equal to that task ourselves. I repeat, Sir, that no thought of anything like defending any of our colonies actuated the Government in embarking in the late war. We and our Allies, when we commenced the war, disclaimed any selfish interest—we had European objects, as important to our Allies as to ourselves—we entered upon that war to defend a friendly State not able to defend itself, and, by giving security for the future to Turkey, to maintain the balance of power in Europe. The speech, therefore, of the hon. and learned Gentleman is calculated to give countenance to an opinion utterly inconsistent with the fundamental principles of the war. The speech of the hon. and learned Gentleman was productive immediately of a very singular result; because, as I have already stated, the very next day his noble Friend in the other House of Parliament, who had a Motion for precisely the same purpose, whether frightened at the effect of his speech or whether impelled by some other motive, it is not for me to say, withdrew and abandoned the Resolution of which he had given notice. A great portion of the speech of the hon. and learned Gentleman was devoted to an attempt to induce this House to believe that the chief object of the war in which we were engaged was to defend India against a Russian attack—a total misrepresentation of the policy that guided us in entering upon the war. Another, and a main part of his speech, was devoted to vituperation of Lord Stratford; indeed, I may say that his speech was a remarkable instance of his power of vituperation right and left. It reminded one, in some degree, of the great explosion which took place in the French lines of a powder magazine. Up went rockets, shells, cartridges, and balls, in every direction, wounding and killing friends all around, but none of them fortunate enough to reach an enemy. The hon. and learned Gentleman devoted a good hour and a half to unmitigated condemnation of Lord Stratford; but towards the conclusion of his speech, remembering perhaps certain words that had reached his ears, probably on the morning of the same day, and recollecting the admonitions which had been tendered to him, he endeavoured to repair the injury which the preceding part of his speech had inflicted, and he finished his long harangue by heaping praises upon Lord Stratford, whom before he had represented as totally unworthy of retaining the situation which he held. In fact, the charge against Her Majesty's Government, during the greater part of his oration, was founded upon this—that we had continued Lord Stratford in the position of Ambassador at Constantinople. His argument was that, in consequence of Lord Stratford not having answered the letters of General Williams, he ought to have been recalled from his post, and that the Government who failed to recall him deserved the censure of Parliament; but he was immediately answered by his noble Friend the Member for Colchester (Lord John Manners), who got up the moment his speech was done and told the House that the omission of Lord Stratford to answer the letters of General Williams did not accelerate by one moment the fall of Kars. And truly did the noble Lord say so, because that omission occurred in 1854, whereas Kars did not fall till November, 1855. But I am perfectly ready to take my share of any responsibility that may devolve upon those who did not think it right to recall Lord Stratford. No doubt, we lamented that, from the pressure of business, or any other cause whatever, Lord Stratford omitted to answer those letters, and to give to General Williams that comfort and encouragement which would naturally have been derived from letters received from the Ambassador at Constantinople; but Lord Stratford did at Constantinople that which General Williams urged him to do; and no man who reads the papers with an impartial mind can fail to arrive at the conclusion, that Lord Stratford did everything which it was in the power of an Ambassador to do for the purpose of obtaining for General Williams the supplies and reinforcements which he wanted. But when the hon. and learned Gentleman treats Lord Stratford so lightly, I am bound to say that I think he was, of all men, the fittest for the position which he occupied. Lord Stratford was, beyond all men, acquainted with the circumstances and condition of Turkey; he had established an influence over the Turkish Government which was of the utmost importance in the position in which affairs then stood; and the Government which would have recalled Lord Stratford at that moment, simply because he had omitted to answer the letters of General Williams, though it might have shown that it possessed "energy," would assuredly not have evinced much "foresight." It is due to Lord Stratford to mention, in connection with that recent great act which may perhaps be called the Magna Charta of the Christian population in Turkey, that when in 1846, upon the termination of Sir Robert Peel's Administration, I became Secretary of State for Foreign Affairs, Lord Stratford was on leave of absence in this country, I deemed it my duty to urge the request that he would consent to continue to hold his office and would return to Constantinople. Lord Stratford did not belong to our party; he was a friend of Lord Derby's; it was Lord Derby, indeed, who gave him the title which he wears with so much honour to himself; but Lord Stratford, then Sir Stratford Canning, said, he would return to Constantinople upon one condition. What was that condition? It was, that he should be supported by the Government at home, and urged to continue his exertions—those exertions which he had never intermitted during the long years he had been in Turkey—to obtain that equality between the Christians and Mahomedans, which has at last crowned the efforts of his life. It was that honourable ambition which induced Sir Stratford Canning to continue so long in a post which, under other circumstances, perhaps, he would have been reluctant to occupy. Lord Stratford has the glory of having been instrumental in accomplishing that great object; and I think it is strange that at the moment when he wears upon his brow a double coronet—one granted by his Sovereign, the other the result of his honourable labours—he should be selected by a friend of Lord Derby as the object of ridicule and vituperation. That mistake of the hon. and learned Gentleman was soon discovered, and those who have followed him have allowed Lord Stratford's conduct to pass without any additional injustice, and have turned their battery more directly against Her Majesty's Government. The great charge made against us is, that we did not send General Williams reinforcements of men and supplies of money. In the first place, be it observed, it is a total misrepresentation of the right hon. Gentleman to say that what we undertook to do was to carry on war in Asia. We never hinted that we intended, during last year, to carry on war in Asia. The Government of Lord Aberdeen decided—and decided wisely—that in a war with Russia for the defence of Turkey, the point to strike at was Sebastopol; that it was there you found the great centre of the Russian power as pressing against Turkey; and that unless you struck a blow at the heart of that Power, any attempt to battle with it at its extremities would be futile, and not productive of the desired result. It was upon that account that the Government of Lord Aberdeen declined to send an army into Bessarabia and the Moldavian and Wallachian provinces; it was on that account that they did not dream of landing an army on the coast of Asia; it was on that account that England and

France determined to concentrate their efforts in the Crimea. It was there that the war was to be decided; it was there that a decisive blow was to be struck. If there is any principle of warfare more evident than another, it is this—that, when you have a great object to accomplish, you should concentrate all your efforts on it, and not allow yourself to be drawn away by collateral and extraneous purposes. Our great object was to capture Sebastopol and get possession of the Russian fleet. But the right hon. Gentleman says, "Oh, what a disgrace it is to the great Powers of Europe, England and France, that they should not be able to have an army in the Crimea and another in Asia; whereas Russia was in a position to meet you in the Crimea, and at the same time make a diversion in Asia." The difference between us was this:—Russia was defending herself at home, with all her resources at hand, with her army, be it 800,000 men or 1,000,000, prepared for service in whatever place to which it might be sent; while England and France were sending troops by sea a great distance, and obliged to support them by a long line of communication. It is not true, therefore, to say that it is any disgrace to England and France that they were not able to employ in the Levant a force equal to that which Russia was able to oppose to them in that quarter. No doubt the fall of Kars was an event greatly to be lamented. It was to be lamented, not for the mere value of the position, because Kars is not a great fortification—not a town surrounded by walls and natural defences; but it is an important geographical position which unquestionably it is desirable that Russia should not occupy. But what we lamented in the fall of Kars was, that the gallant Williams and his brave associates, who inspired such courage into the 10,000 Turks who defended the town, should become prisoners to an enemy they had defeated, and that they and their brave soldiers should be forced to surrender by the pressure of famine to men who could not conquer them by arms. It was not the value of the mere position itself, because we knew well that, if we succeeded in the contest with Russia, whatever extent of Turkish territory Russia for the moment occupied, every inch of that territory must be evacuated by Russia before she would obtain peace at our hands. We had gone to war for the purpose of maintaining the integrity of Turkey, and we would never sheathe the sword while an inch remained unceded in the hands of Russia. Therefore, all the argument founded upon the dangers to Turkey which would arise from the possession of Kars by Russia rests upon a vain and groundless assumption—an assumption which implies that we should be content to make peace upon conditions utterly inconsistent with the principle upon which the war was undertaken. Now, Sir, no doubt when General Williams first went in the capacity of Commissioner, he was not vested with those powers which were necessary to enable him to perform efficiently the duties which devolved upon him. But is any man who knows anything of Turkey not aware of the insurmountable difficulty in getting for a European military command over a Turkish army, and more especially in Asia, because military command in Asia gives command over the Pashas and governors of provinces? We obtained for General Williams military rank, which, combined with his personal character, was sufficient to give him influence over those who had nominally superior command. What was it caused the fall of Kars? It was the want of provisions, and the want of a relieving force. The main cause of the want of provisions was the misconduct of the Pasha at Erzeroum. It was not want of money, but the misapplication of money given for the purpose. The Pasha of Erzeroum was ordered, and had money sent him from Constantinople sufficient to enable him to furnish Kars with an adequate supply of provisions. He purchased the provisions, but he failed to pay carriers to convey them to Kars. They were stored at a place half way between Erzeroum and Kars; and what was the result? Why, the result was, that when the Russians invested Kars with a superior cavalry force, they pushed on to this place, intermediate between Kars and Erzeroum, and seized and destroyed those provisions, which, if properly sent to Kars, as ordered, would probably have sufficed for the garrison and compelled the Russians to retire from the siege. Additional troops for the garrison were not required, because the garrison showed itself to the last sufficient to repel every attack which the Russians made upon it. That which was required was a relieving force to open communication with Kars. The hon. and learned Gentleman, with that dexterity which belongs to his profession, finding that the case which he had to deal with was one not very easy to handle, chose to represent as the most disgraceful act of the Government that which, in my opinion, is the one most deserving of approbation. The hon. and learned Gentleman dwelt on that despatch of Lord Clarendon of the 13th of July, in which Lord Clarendon, on behalf of Her Majesty's Government, expresses disapprobation of the plan proposed by the Turkish Government to relieve Kars by landing a force at Redout-Kaleh. The hon. and learned Gentleman and myself may discuss that matter, because, as we are neither of us military men, my opinion is as good as his. But I maintain against all comers that the arguments in that despatch are perfectly conclusive, and that the plan proposed by the Turkish Government was radically defective, for reasons which I will shortly state. The plan which they proposed was to land a force at Redout-Kaleh, and thence operate on the rear of the Russians, for the purpose of drawing them away from the siege of Kars. The objections to that plan were these:—The sea passage was a long one, a greater quantity of transports were necessary, the army which was to land was Mahomedan, the population was Christian, the people were hostile—that is to say, they belonged to the enemy, and would be placed in this dilemma—that, as this was only a diversion, not with the intention of future conquest or permanently taking them from under the rule of Russia, if they gave any assistance to the invaders or favoured in any way their operations, when the Turkish army retreated they would be exposed to all the resentments of the Russian Government. Therefore, of necessity, until great success had attended the Mahomedan army, that army would find the population either adverse or withholding every possible assistance. Besides, the country was intersected by a great number of rivers, was difficult of passage to an army, had few animals of transport, and the troops to be sent there were, as an hon. Member has described, a collection of odds and ends of all kinds of corps which had never acted together, and were, therefore, unfit to meet the regularly combined and disciplined army of Russia. The consequence might and probably would have been, that when the Turkish troops had advanced a certain distance from the sea, and were weakened by being obliged to leave men behind, to keep open their line of communication, the Russians would have left Kars for a moment, inflicted a complete defeat, and then resumed the investment of Kars free from any apprehension of being disturbed in future operations. The plan proposed by Her Majesty's Government was, that forces should be landed at Trebizond, which was a good port, while Redout-Kaleh was no port at all, that they should march to Erzeroum, which would not be a march of three months, as somebody has said, but a distance, which Mr. Brandt, our Consul at Erzeroum, states might be traversed by 10,000 men in ten days, and a distance not impracticable for artillery, because every gun at Erzeroum and at Kars had been brought by that route. But no great quantity of artillery was required—General Williams had guns enough, but wanted men. It was a line of march easily traversed. The country between Trebizond and Kars was a friendly country—was a Mahomedan country—the people of which had no motive but to assist the army—was a country full of animals for transport and for baggage, and a country, too, where it was easy to collect any number of irregular horse—light cavalry being the very arm in which General Williams was deficient. If a force advancing in that direction should not succeed, as probably it would have succeeded, in relieving Kars, at all events it would have made Erzeroum secure, and might have afforded to the garrison of Kars the opportunity of retiring in safety. Then we are told you recommended the disgraceful course of abandoning Kars and retiring to Erzeroum. Sir, we recommended no such thing. We recommended measures to secure the defence of Kars; but we said, if by any unforeseen circumstances, they should not secure the defence of Kars, at all events they will secure the retreat of the garrison of Kars. Ay! but then the brilliant imaginations of Gentlemen opposite say, that Kars being taken, Constantinople would have been at the mercy of the Russians. Those hon. Gentlemen must imagine that the Russian army was an army of Leanders, and could swim the Bosphorus as Leander swam the Hellespont. They forget the existence of the Bosphorus and the presence of the Turkish, the French, and the English fleets. If, then, by any strange accident, a Russian force had arrived at the opposite shore, they would have been no more able to get to Constantinople than to perform the most impracticable operation. But the measure which we proposed was, in my opinion, best calculated to turn to account the forces which Omar Pasha was able to apply to the relief of Kars, and it had this advantage, that if it failed in relieving Kars it provided for the security of Erzeroum. Well, then it is said, you proposed this method at one time, and then adopted the contrary measure afterwards. Sir, we adopted no measure afterwards. It was not an operation in which the British or French armies were to take a part ; it was a proposal made by the Turkish Government. We stated the reasons why we thought it was not the best plan. But when we were told in reply that, those reasons having been considered by the council of war and the Government at Constantinople, the Turkish Government adhered to their opinion, it was not for us to maintain the contrary. We had nothing more to say. We no longer persisted in pressing our views on the Turkish Government. A part of the plan was to send the Contingent ; but when hon. Gentlemen complained that we did not send the Contingent as part of the relieving force, any one who reads the papers will see that the Contingent was not then in a condition to be sent. That was the opinion of General Vivian, the commander of the Contingent, of Omar Pasha, of General Simpson, of every man, in fact, who knew the real state of that force. The right hon. Gentleman the Member for Carlisle has drawn a comparison between the Turkish Contingent and the Portuguese, troops that were quoted as the "fighting cocks" of the Peninsular army; and I have no doubt that the Turkish Contingent would have deserved the same appellation ; but my right hon. Friend must compare times in these cases as well as men, and he must recollect the time when the Portuguese force obtained the designation which they so well deserved. They had been longer in organisation under British officers than the Turkish Contingent, which had only just been formed. Why, Sir, I know it has often been said that the Portuguese troops at Vimiero and Ciudad Rodrigo fled at the sight of a shell; while, at the storming of St. Sebastian, at a later period of the war, the bodies found most forward in the assault were some of those Portuguese soldiers who had formerly shown so great a fear of danger. This change was not effected by mere pay and clothing, but by the better leading of British officers, and the confidence in their own steadiness and discipline which they had acquired. So it would have been in the Turkish Contingent ; and I have not the least hesitation in saying that, if the war had gone on another year, we should have seen in the ensuing campaign the Turkish Contingent behaving with the same gallantry and courage with which the brave Turks under Williams defended Kars, and adding fresh laurels to those which their countrymen won at Silistria and on the banks of the Danube. But at that moment it would have been madness to send this half-formed, half-clad, and half-organised Contingent into the field ; and this applied not only to their being sent as part of Omar Pasha's relieving army, but to their being posted at Balaklava in exchange for the 12,000 Turks who were some of the best troops in Omar Pasha's army. It was, therefore, out of the question at that moment to send the Contingent either to Redout-Kaleh or to Trebizond. We, therefore, on that single point maintained—and I think properly—that the Turkish Contingent ought not to form any part of that force. It was also a question whether Omar Pasha should be allowed to take from Balaklava the 12,000 Turks who held that important defensive position. It has been said that Omar Pasha might have been allowed to take away that force from Eupatoria, and it has also been said that we were wrong in not insisting that those troops should be so taken. But who commanded at Eupatoria ? It was the French General D'Allonville. What right had we to insist that General D'Allonville should give up a part of the force that he considered necessary? We were bound by the opinion of General D'Allonville. If that position had been occupied by an English General, should we have agreed to allow a French general to declare what that English general should do, and what portion of his force he should relinquish ? The main question was, whether Omar Pasha should take that great force from Balaklava as the foundation of his expedition, whether to Trebizond or to Redout-Kaleh. Against that proposition General Pelissier and General Simpson both protested. They said they could not spare a single man from before Sebastopol ; and I must say that I think that, on the whole, they were right. Sebastopol was the great object of the campaign. Sebastopol had stood against us for twelve months, and it was a great object to conquer the resistance there. We were quite sure that if Sebastopol were taken, we might get back Kars if it had fallen ; but if we failed to take Sebastopol, the calamity would be great, and the object of the campaign would be entirely lost. I think that no man of reasonable views will maintain that the Governments of England and France were not right in upholding the decision of their generals, that no portion of the troops should be taken from Sebastopol until Sebastopol had fallen before the attack of the Allies. The question, then, resolves itself into—nothing. The censure that is cast upon us is, in fact, a censure for having done our best to get possession of Sebastopol. It is a censure for having pursued a course which would end the great objects of the war, and for not having taken a course which would have defeated the great objects of the campaign. I am quite content to take our stand on that issue. Notwithstanding the deep sympathy which every man must have felt in the calamitous surrender of General Williams—the conqueror yielding to the conquered—I put it to every reasonable man in the country whether the Government would not have been to blame if, in attempting to throw a force upon the extreme point of Kars, we had risked the accomplishment of the great object which the forces of the two countries had for so many months struggled to attain. I think, then, there has been neither want of energy nor want of foresight on the part of the Government. I think there has been no want of energy in the speeches on the other side. There has been plenty of energy, but want of foresight, I think, one may say they have shown. The principle has been laid down by the right hon. Gentleman (Mr. Disraeli) that the duty of the Opposition is to oppose, and also to criticise—which no one will deny. He says, too, that if the leader of an Opposition wants to keep his party together, he must bring them into action from time to time, even although he may know that he is about to expose them to great and disastrous defeat. That is true also; and if they come into action with a conviction and knowledge on his part that he is about to lead them to a defeat, that may show no want of foresight, but I may say it shows some little want of judgment. Sir, I have been the first to do justice to the course which the right hon. Gentleman and his party have pursued during the war. With those little exceptions to which my noble Friend behind me has adverted, where flesh and blood could not withstand the temptation—such, for example, as the opposition to giving the Turks money, without which the war could not go on, and the attempt to prevent us from raising additional troops in the first operations of the war—with those exceptions I am willing to admit that the course which they have taken has been most honourable to themselves and perfectly in accordance with the general feeling of the country. They have felt that the nation was engaged in a war which the whole nation thought just and right, and for which the people have made great sacrifices, and they have abstained from embarrassing or impeding the course of the Government. That is a course which was perfectly in unison with public opinion, and which is honourable to them; but it is one which, looking back to former periods of our history, an Opposition has not always pursued. Now the war is over abroad, and it seems it is about to begin at home. The Opposition revives, and now resorts to its natural functions, one of which is trying to turn the Government out. There is no imputation on an Opposition for wishing to do that—it is the natural desire and function of an Opposition; and even when they have no power of dispossessing the Government they may take up subjects upon which they believe they have the people with them, in order to keep their party together and to keep themselves alive. But in the present case I think they have chosen their moment injudiciously. For what is the moment they have chosen?—and although they have proposed what the right hon. Gentleman calls a mere expression of abstract opinion, yet when a censure is proposed on a Government to the extent of saying that they have neither energy nor foresight, I do not know what other quality is to be left them; for certainly a Government possessing neither energy nor foresight is not one which the House of Commons would long like to see in their places. Sir, what is the moment they have chosen for this censure? We have just brought to a close a war that has been carried on with admirable energy—a war that has been carried on at a great distance from our shores, with an army which was originally sent out, although in small numbers, yet with greater expedition, greater rapidity, and better equipped than any army that ever left this country. It is only just to the Duke of Newcastle to bear testimony to this. This army, indeed, being beyond the control of the home Government, was exposed to great privation, and experienced great misery; but since that time, by the persevering energy of my noble Friend at the head of the

War Department—who has been attacked during this debate, first upon this despatch and then upon another despatch, but who has earned a title to the gratitude of his country for the successful energy with which he followed up the campaign—the army now in the Crimea has been brought into a state of admirable efficiency, supply, health, and order, which commands the admiration of all who have seen it. While, then, on the one hand, we have shown the utmost energy with regard to the efficiency of the army and navy, we have not, on the other hand, been deficient in foresight as regards the conditions of peace. Those who take the trouble to look at those conditions will find that we have foreseen all those matters with respect to which provisions could be included in a treaty, and that, as far as political foresight can go, we have provided against any future dangers to the Turkish Empire, whose protection from danger was the object of the war. Yet at the very moment when, as I contend, the Government have proved their energy in the prosecution of the war, and their foresight in the stipulations of peace, when the country is satisfied with the results of the war and with the peace that has been concluded, the hon. and learned Gentleman steps in with a vote of censure —a vote, I undertake to say, not more at variance with the general feeling of the country than, as the division of to-night will show, it is at variance with the opinion of the House of Commons. I think, therefore, that the hon. Gentlemen opposite, whatever may have been their energy in debate, have shown little foresight as to the result of this Motion, and I am satisfied that if they pursue the duty of opposition with no more judgment than they have displayed with regard to the Motion now under consideration, the people of this country will be of opinion that the longer they sit where they do the better it will be for the country. Upon these grounds I go with confidence to the division that is about to take place.

MR. WHITESIDE, in reply, said: The noble Lord who has just sat down has maintained a strange proposition, that in discussing the question of the war a Member of Parliament has no right to refer to India or Persia, or to deal with the subject as connected with Imperial interests, but that he ought to confine himself to the contents of the Blue-book. From that proposition of the noble Lord I utterly dissent; and I insist that all the most eminent Members of the party to which the noble Lord belonged have repeatedly and emphatically admitted the intimate connection which necessarily exists between the maintenance of our reputation in the East and the promotion of some of the highest interests of the empire; and the noble Lord has not proved their arguments to be unfounded. But no speech uttered on the other side of the House has excited in me so much astonishment as the speech of the right hon. Gentleman the Chancellor of the Exchequer. By some speeches we are instructed, by others we are inspired, and by others again we are confounded. Now, without meaning any personal disrespect to the right hon. Gentleman, the last was the impression produced on me by his speech, for one more extraordinary I never heard. The right hon. Gentleman contended that Kars was a place of little or no value, and that its loss could have exercised but an imperceptible influence on the war. I can very confidently assure the right hon. Gentleman that that is an opinion in which he will find it extremely difficult to induce the rational people of this country to concur. The noble Lord, adopting an equally inadmissible doctrine, contended that England had never seriously embarked in a war in Asia, and that, in fact, it was no part of our plans to intermeddle in that war. [Viscount PALMERSTON said, that what he had said was, that that was no part of our plans until last year.] I do not see how that statement can help the noble Lord. Look at the letters in this book. By the words of his own colleague I will confute him. How many despatches are there here calling upon General Williams for full and perfect information with respect to the army in Asia Minor? Why? —because in the ensuing spring Asia Minor was to be the theatre of an important war. Every word of the noble Lord is contradicted by the facts. Why was General Williams sent to Asia in 1854 to make inquiries, unless for the reasons stated by the Duke of Newcastle and Lord Clarendon—that Asia Minor would in the ensuing spring become the theatre of important operations? But, to screen the nothingness of his own Administration, to defend their policy, to endeavour to satisfy the public that it was right to do nothing, the noble Lord is compelled to adopt the extraordinary figment of his Chancellor of the Exchequer, and say, "We had nothing to do with the war in Asia; it was not our busisiness to undertake it. We sent out a Commissioner to inquire into the misfortunes of our Allies, but not to assist them." The noble Lord the Member for London took the same course; but a statesman of his high position cannot do so with impunity after the language which he held on a former occasion. Did the noble Lord say we had nothing to do with the war in Asia in February, when he was ushering the noble Lord the Member for Tiverton into power? What did the noble Lord then say? Why, in reference to the warning of the hon. Member for Aylesbury, that the British Government ought to send troops to Asia Minor to defeat the Russian invasion which would take place in the spring, the noble Lord said that—

> "The hon. Gentleman had spoken of the necessity of providing some force to meet the invasion of Russia in that quarter; that that was a most important subject, and had occupied his mind very much, but that he could not find he received from Lord Aberdeen that support he had hoped for when that matter had been brought under the consideration of the Government."

Do these noble Lords think they can trifle longer with the people of this country? The noble Lord the Prime Minister has boasted of the triumph he is about to obtain on this Motion—it is possible that he will obtain a majority; but I will remind the noble Lord that votes are not arguments, and majorities cannot alter the force of truth. The noble Lord (Lord John Russell) said that the Aberdeen Administration, of which he was then a Member, would not listen to the voice of reason, and refused to provide forces to meet the Russian invasion, and that therefore he overthrew it; and the noble Lord the Member for Tiverton now makes a speech in flat contradiction of what was then spoken in his praise by the noble Lord the Member for London. The noble Lord (Lord John Russell) said that I alluded disrespectfully to the four gallant Englishmen who were sent to Kars. My consolation is, that I was better understood by the relatives of those gallant men than by the noble Lord; for, since I addressed the House, I unexpectedly received from some of them an acknowledgment thanking me for the manner in which I have referred to their services. I have not the same graces of eloquence as the noble Lord, but I speak the sincere conviction of my heart when I say that Teesdale, Thompson, Lake, and Williams did far more honour to their country than any of Her Majesty's Government. They trampled on Lord Clarendon's despatch of July ordering them to abandon Kars, they fought against famine and the Russians, they saved our arms from a stain, and us from an ignominious peace. The noble Lord has also made a reference to my remarks on the conduct of Lord Stratford de Redcliffe, and has insinuated that I must have been under some influence which prevented my frankly expressing my views on that subject. What right has the noble Lord to tell us of what has been said elsewhere by this or that noble Lord; and if such a thing did occur, what right has he to found upon it a criticism of a Member of this House? But it is all pure romance! I wish to set myself right with the House upon this point. The charge against me is, that some one suggested to me to speak that which I did not believe to be true of Lord Stratford de Redcliffe. To that charge I give a flat denial. When I read the Blue-book I said to my friends that I was satisfied no honest man could stand up in Parliament and justify Lord Stratford's conduct, that I would not appear before this House unless I was at full liberty to speak the dictates of my heart, to condemn in the strongest manner the conduct of Lord Stratford, and to pronounce my opinion that Lord Stratford as a public servant had been insolent to his inferiors and disobedient to his superiors. What is the defence of the noble Lord? He regrets nothing, explains nothing, retracts nothing; but he upholds conduct which, if sanctioned by this House, will convert our Generals and Ambassadors into despotic tyrants, disobedient to the Government at home, and insulting to those under their control abroad. I am charged with inconsistency because I spoke what I believed to be true. I said Lord Stratford's conduct to General Williams was inexcusable; and I have now, since I introduced the Resolution, learnt one fact, which is decisive against Lord Stratford de Redcliffe; I now know that General Williams, even without a supply of money, could have obtained the provisions which he required, if he had been invested in time with the authority for which he applied in vain. True, I also said that Lord Stratford wrote many able despatches. When he got alarmed and allowed his judgment to overmaster his temper he did write able despatches and point out what ought to be done; but then it is a very remarkable fact, that the recommendations of these very despatches were utterly disregarded by the Government at home, because, they said, they were then busy with Sebastopol. I now beg to withdraw what I said the other night about £100,000. I have now ascertained that the sum of £27,000 would have saved Kars. Looking to the pay of the Turkish soldiers, and the price of provisions, I have heard that credit given to General Williams for £30,000 would have saved Kars; and you (the Ministers) stand up and say that you could not give that aid, because you were engaged in taking Sebastopol, though you had already been told by the hon. Member for Aylesbury that the loss of Sebastopol to the Russians was not so great as the loss of Kars to England. Then we are told that we have no right to speak on this delicate subject; but did not Fox rise and impeach Ministry after Ministry when he thought they had misconducted the affairs of war? And why should not we call the present Ministry to account when we believed them to be guilty? Then it was said that we resisted the passing of the Foreign Enlistment Act. Well, the policy of that measure is questionable; but when there was an army of natives in Asia Minor, a useful army ready to fight for their country, and when a little sum of money would have kept that army together, you refused to give it, while, at the same time, by your policy on the foreign enlistment question you bring the relations of your country into confusion all over the world. It has been intimated that we shall not appear strong in the division; but I do not know who is going to desert us—perhaps the administrative reformers, those mock patriots on all occasions, ready to create agitation for some abstract question, but who, when a practical abuse is placed before their eyes, will preserve the abuse to uphold the men. But we strike both at the men and the abuse. I am, indeed, surprised that we are not to have the vote of the hon. Member for Aylesbury. I should have thought that if there was any Member who was bound by his antecedent declarations to vote for such a Motion, it was the hon. Gentleman. At his speech I was utterly astonished. Will the public believe it? The hon. Member justified Lord Stratford by delicately saying—but it was, in fact, severe censure—that it was unfortunate that the noble Lord did not answer General Williams's letters. Nay, more, the hon. Gentleman stood up, and though I have not heard any other man defend the conduct of Lord Panmure, yet the hon. Member said, that if he had been asked the question put to Lord Panmure respecting Kars he would have been more precise and definite in the misstatement of the truth. If that is the hon. Member's morality, it is not the morality of the gentlemen of England. When such questions are put, a Minister may preserve silence if he pleases, yet he has no right to say that which he knows not to be the truth. But,

> "The age of virtuous politics is past,
> And we are deep in that of cold pretence;
> Patriots are grown too shrewd to be sincere,
> And we too wise to trust them."

The great question is now before the House. Whatever may be the result, we at least have done our duty, and it is satisfactory to know, in examining this miserable business, that it is not in the power of a Ministry to efface the glories of the past, and that the mighty names of Nelson and Wellington will keep fresh the memory of our naval victories and preserve the lustre of our military triumphs.

VISCOUNT PALMERSTON: I did not like to interrupt the hon. and learned Gentleman in the early part of his speech, in which he misconceived what I stated with respect to the war in Asia. What I stated, or meant to state, was, that during the attack on Sebastopol, and until Sebastopol was taken, we had nothing to do with the war then going on in Asia; but I did not mean to say that after Sebastopol was taken we should not have made a campaign in Georgia, because it is well known that that formed part of our intentions.

Question put.

The House *divided*:—Ayes 451; Noes 52: Majority 399.

Main Question put.

The House *divided*:—Ayes 176; Noes 303: Majority 127.

List of the AYES.

Adderley, C. B.
Alexander, J.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Baldock, E. H.
Ball, E.
Bankes, rt. hon. G.
Barrington, Visct.
Bateson, T.
Bellew, T. A.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Bignold, Sir S.
Blake, M. J.
Blakemore, T. W. B.
Blandford, Marquess of
Boldero, Col.
Bowyer, G.
Bramley-Moore, J.
Buck, Col.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Burrowes, R.
Butt, G. M.
Cabbell, B. B.
Cairns, H. M'C.

Carnac, Sir J. R.
Cecil, Lord R.
Chandos, Marquess of
Christy, S.
Clinton, Lord C. P.
Clive, hon. R. W.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corbally, M. E.
Corry, rt. hon. H. L.
Cubitt, Mr. Ald.
Davies, D. A. S.
Davies, J. L.
Davison, R.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Elmley, Vict.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fitzgerald, W. R. S.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Galway, Visct.
George, J.
Gilpin, Col.
Graham, Lord M. W.
Grogan, E.
Guernsey, Lord
Guinness, R. S.
Gwyn, H.
Halford, Sir H.
Hall, Gen.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, rt. hn. R. C. N.
Hanbury, hon. C. S. B.
Handcock, hon. Capt.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hume, W. F.
Irton, S.
Jolliffe, H. H.
Jones, Adm.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Lacon, Sir E.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
MacEvoy, E.
MacGregor, James
M'Mahon, P.
Maguire, J. F.
Malins, R.
Manners, Lord J.
March, Earl of
Meux, Sir H.
Michell, W.
Montgomery, H. L.
Moore, G. H.
Mowbray, J. R.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Packington, rt. hon. Sir J.
Palk, L.
Peacocke, G. M. W.
Repton, G. W. J.
Robertson, P. F.
Rushout, G.
Rust, J.
Shirley, E. P.
Sibthorp, Maj.
Smijth, Sir W.
Smith, A.
Somerset, Col.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, L. G. N.
Stracey, Sir H. J.
Stuart, Capt.
Sturt, H. G.
Swift, R.
Thesiger, Sir F.
Tottenham, C.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Vyse, Col.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warren, S.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

List of the NOES.

Acland, Sir T. D.
Acton, J.
Adair, H. E.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Beckett, W.
Bell, J.
Berkeley, Sir M.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Brady, J.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Bulkeley, Sir R. B. W.
Burke, T. J.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Chaplin, W. J.
Clay, Sir W.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Collier, R. P.
Colville, C. R.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalkeith, Earl of
Davie, Sir H. R. F.
Deasy, R.
Denison, E.
Denison, J. E.
Dent, J. D.
Dering, Sir E.
De Vere, S. E.
Dillwyn, L. L.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
East, Sir J. B.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Emlyn, Visct.
Esmonde, J.
Estcourt, T. H. S.
Euston, Earl of
Ewart, W.
Ewart, J. C.
Fagan, W.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Filmer, Sir E.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gifford, Earl of
Gladstone, rt. hon. W.
Glyn, G. C.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Gurney, J. H.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, hon. C. S.
Hastie, Alexander
Hastie, Archibald
Headlam, T. E.
Heard, J. I.
Heathcote, hon. G. H.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, Col. O.

Hindley, C.
Hogg, Sir J. W.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hutchins, E. J.
Hutt, W.
Ingham, H.
Ingram, R.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laffan, R. M.
Langston, J. H.
Langton, H. G.
Layard, A. H.
Lee, W.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Lowe, rt. hon. R.
Luce, T.
Mackie, J.
Mackinnon, W. A.
MacTaggart, Sir J.
Magan, W. H.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Martin, P. W.
Massey, W. N.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monck, Visct.
Moncrieff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. J.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Palmer, Roundell
Palmerston, Visct.
Patten, Col. W.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Power, N.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Rich, H.
Richardson, J. J.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rolt, P.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, Col.
Somerville, rt. hn. Sir W.
Stafford, Marquess of
Stanley, hon. W. O.
Steel, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Sullivan, M.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tomline, G.
Traill, G.
Uxbridge, Earl of
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waddington, D.
Walmsley, Sir J.
Walter, J.
Warner, E.
Waterpark, Lord
Watkins, Col. L.
Watson, W. H.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, G. C. L.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 2, 1856.

Minutes.] Public Bills.—1^a Procedure before Justices (Scotland); Metropolitan Smoke Act Amendment; Bankers' Compositions.

COUNTY COURTS—THE OPTIONAL CLAUSE—PETITION.

Lord BROUGHAM *presented* a petition from members of the Yorkshire branch of the Society for the Protection of Trade, in favour of the Bill before their Lordships relating to the jurisdiction of the County Courts, but praying that the provision of the present law enabling the parties to a suit, by common consent, to go before those tribunals with actions involving sums to an unlimited amount should be amended, so as to give the option in question to the plaintiff singly, leaving it to the defendant, if he object to that procedure, to insist on carrying the case to a superior court. The optional clause in the existing County Court Act, if not rendered wholly inoperative, was at least greatly clogged by the condition requiring both the parties to be previously agreed.

The LORD CHANCELLOR stated that the point referred to in the petition presented by his noble and learned Friend had received his anxious attention. It was perfectly true that the present system was open to objection; and since his Bill had been introduced he had been in consultation on the subject with Mr. Pitt Taylor, with whose valuable assistance certain alterations had been prepared in the measure calculated to obviate much of the evil complained of.

MERCANTILE LAW AMENDMENT BILL.

Order of the Day for receiving the Report of the Amendments read.

The LORD CHANCELLOR, in moving that the said Report be now received, said, the first clause of the Bill related to what lawyers knew by the designation of the

17th clause of the Statute of Frauds. The main drift of the clause was to require that no contract relating to the sale of land, to guarantees, or to sales of goods of the value of above £10 should be valid unless it was in writing. Inasmuch, however, as the latter proviso would have interfered with the ordinary transactions of business, it became necessary to introduce exceptions, and then questions arose, and the law books were full of reports of cases, as to whether the particular case before the Court came within these exceptions. The Mercantile Law Commissioners proposed that this clause, so far as regarded contracts for the sale of goods, should be repealed, and he concurred with them. He was told that great apprehension prevailed on the subject in the City of London, the merchants thinking that this alteration would enable their brokers to bind them to contracts not reduced to writing. That was an entire mistake. A broker could not bind his principal, except so far as the principal gave him authority to bind him; and no merchant had anything more to do than to tell his broker, in writing or by word of mouth, that he did not authorise him to enter into contracts on his account except in writing. If, then, the merchants of London preferred to transact their business by means of contracts in writing, they need not alter their system; but the Commissioners stated, that neither in Glasgow, Liverpool, Manchester, nor Dublin, was it the practice to reduce contracts in the ordinary operations of trade to writing, and yet they all knew that commerce was carried on in those towns in a flourishing manner.

Lord CAMPBELL observed, that the doubts occasioned by that clause of the Statute of Frauds, which it was proposed now to repeal, had filled many volumes of Reports, and he believed that it would be a great improvement to do away with that clause, and assimilate the law in this respect to the law of Scotland; he, therefore, hoped that the mercantile class in London would withdraw their opposition to the Bill; for they were mistaken in supposing that the clause was one which absolutely required a written contract. The exceptions in the clause led to much litigation, but the repeal of this clause would not affect written contracts, and he should recommend the merchants of London to adhere to the practice of having such contracts; but if they followed his advice they would withdraw their opposition to an amendment of the law which would merely require that a contract need not be in writing to be obligatory on the parties.

Lord OVERSTONE said, that the petition lately presented against the repeal of that clause bore the signature of almost every respectable merchant in the City of London, and every Director of the Bank of England, and he understood the apprehension which they felt was, that if this Bill passed, they would be exposed to the danger of finding themselves bound by contracts to which they had never consented to be parties. How far that would be its effect he (Lord Overstone) was incapable of judging, but he felt sure that the explanation given by the Lord Chief Justice would be carefully weighed by the mercantile body in the City of London, and he should rejoice to find that it would prove sufficient to remove their objections, and give them confidence in the effect of the Bill.

Lord HARROWBY remarked that there was a respectable minority of the merchants of London who did not agree with the petitioners, and in the great mercantile transactions of Glasgow that clause of the Statute of Frauds was not required.

Motion *agreed to.* Amendment *reported* accordingly; and Bill to be read a third time on *Thursday* next.

House adjourned to Sunday next at a quarter before Ten o'clock, for the purpose of attending Divine Service at the Abbey Church, Westminster, being the Day appointed by Her Majesty's Royal Proclamation for a general Thanksgiving for the Restoration of Peace.

HOUSE OF COMMONS,

Friday, May 2, 1856.

Minutes.] New Writ. — For Cheltenham, *v.* Grenville Charles Lennox Berkeley, esq. Chiltern Hundreds.

Public Bills.—1° Court of Exchequer (Scotland); West India Loans; Judicial Procedure, &c. (Scotland); Drainage (Ireland).

2° Grand Jury Assessments (Ireland).

RUSSIAN FORTS ON THE BLACK SEA—QUESTION.

Lord JOHN MANNERS: Sir, I asked a question last night of the noble Lord at the head of the Government with reference to a statement that appeared in the report of the Conferences at Paris upon a point of much importance. In reply, the noble Lord gave the House to understand that the discussion with respect to the re-erection of the Russian forts on the eastern coast of the Black Sea was never resumed. I then asked if, under the treaty which had been signed, Russia would have the power of re-erecting those forts or not? To that question the noble Lord gave no answer; but subsequently, in the course of the debate, the right hon. Baronet the Member for Carlisle (Sir J. Graham) expressed a very strong and decided opinion that, under the terms of the treaty, Russia would not have that right. I therefore wish again to put the question, and to ask whether, under the terms of the treaty, Russia has or has not the right to re-erect those forts on the eastern coast of the Black Sea?

Viscount PALMERSTON: Sir, the stipulation of the treaty in regard to the re-erection of works applies to naval arsenals. The treaty distinctly stipulates that there shall be no naval arsenals restored or constructed within the waters of the Black Sea. The forts on the Circassian coasts do not come within that description; and there is also this distinction between them and naval arsenals, that whereas a naval arsenal is a centre of offence, those forts were simply defensive works for the protection of the small garrisons placed there. There is nothing in the treaty which would preclude the Russian Government from exercising its own discretion with regard to the re-erection of those military forts.

OATH OF ABJURATION BILL—QUESTION.

Sir FREDERIC THESIGER said, he wished to ask the right hon. Member for Manchester if he could fix any day when this Bill, which stood as the 19th order for Committee, would positively be proceeded with?

Mr. MILNER GIBSON said, that he must appeal to the noble Lord at the head of the Government to give him a day, for, if he did not, it was impossible to say when it would come on.

Viscount PALMERSTON: It is very embarrassing, Sir, to the Government, which has much important business of its own to forward, to be called on to make arrangements for measures introduced by individual Members. At the same time, I feel that the measure which my right hon. Friend has undertaken is one which, in some shape or other, has in former Sessions been introduced by the Government. I will therefore endeavour, in co-operation with my right hon. Friend, to fix some day after Whitsuntide when the measure can be proceeded with.

THE RUSSIAN SHIPS IN THE BLACK SEA—QUESTION.

On the Motion that the House at its rising adjourn to Monday,

Lord WILLIAM GRAHAM said, he wished to ask the First Lord of the Treasury whether, under the additional and transitory Article attached to the treaty of peace, the Russians would be allowed to raise the ships now sunk in the harbour of Sebastopol and bring them through the Dardanelles to any other part of the Russian dominions? He had received a letter, dated Sebastopol, March 21, 1856, in which it was stated:—

> "What you may have read in the newspapers and what I have written to you may lead you to imagine that the ships sunk in this harbour would by this time be rendered worthless by the ravages of the worm. My expectations on that point are disappointed. After a good deal of bungling, we succeeded in blowing up the small brig I told you about. She was built of inferior wood—both oak and deal. I have paid anxious visits to her since she was broken up, and am disappointed to find no trace of worm or decay about her. If we had left her undisturbed she might have been raised uninjured, and I have not the least doubt all the sunken ships in this harbour are in the same state, and, if not destroyed by us, will be raised in triumph by the Russians on our leaving the place. Surely, in the event of peace being concluded, such an occurrence will be properly guarded against."

Now, if those ships were raised and were brought through the British Channel, in sight of this country, the people of the country would not, he believed, consider that as regarded those ships the stipulations in the treaty of peace were satisfactory.

Viscount PALMERSTON: Sir, by the treaty of peace the Russian Government will no longer be permitted to have any fleet of line-of-battle ships in the Black Sea, but there is no restriction upon her naval force in the Baltic. If, therefore, the Russian Government prefer raising those ships, damaged as they necessarily must be by a lengthened immersion, and bringing them round to add them to her naval force in the Baltic, instead of increasing that force by the addition of new and more efficient ships, I do not think the people of this country will object. I may also state that in the course of the negotiations, a question having arisen as to whether the Russian Government should be allowed to bring round to the Baltic two line-of-battle ships which were at Nicholaieff, Her Majesty's Plenipotentiary, in accordance with his instructions, said that, as far as the British Government was concerned, there would be no objection to those ships being brought round to the Baltic.

THE BANDS IN THE PARKS—QUESTION.

LORD ROBERT GROSVENOR said, he rose to ask, according to notice, the First Lord of the Treasury whether, supposing any members of the band now ordered to play in the parks on Sunday afternoon should object to do so either from conscientious motives or from a desire to enjoy their Sunday holiday, they would be released from that duty. As it had been announced that the system of the military bands playing on a Sunday was to be extended, no doubt some substantive Motion would be brought forward relating to that subject; and he would, therefore, on the present occasion, compress his remarks into a very small compass. He had long ago come to a conclusion that many of our social evils had their origin in the excessive toil which the working classes in this country were compelled to undergo. He had always endeavoured to obtain some limitation of that toil by shortening the time for labour, by opening the parks and other methods, and by preserving to the labouring classes their Sunday as a complete holiday. He was aware that it was the opinion of some persons that it would be advisable to follow the example of continental States with regard to the observance of Sunday, but such was not his opinion, nor did he think that it was the opinion of that House. If the Government, however, were of opinion that it was desirable to provide musical entertainment upon the Sunday, upon the ground that the lower orders would thereby be withdrawn from more questionable proceedings, the proper course for them to adopt would be to come forward in that House and ask for a grant of money to defray the expense of those bands. Whatever might be the opinion of the Government upon that subject, he trusted they would agree with him that no person ought to be compelled to take part in those musical entertainments on a Sunday who felt a conscientious objection to doing so, and to have his religious liberty coerced by the stern power of military discipline. He believed that to sanction such a course would be repugnant to the feelings of that House and of the country, and wholly inconsistent with the principles of civil and religious liberty. It should be borne in mind that it was impossible to provide amusement for one part of the people on the Sunday without trenching upon the religious liberty of another part, and that it would be much more desirable to establish a half-holiday on Saturday and provide musical entertainments on that day than to sanction such proceedings on the Sabbath. Perhaps the noble Lord at the head of the Government had taken no part in this movement, and it was only a freak of the right hon. Baronet the Chief Commissioner of Works; but still he trusted that the noble Lord would not treat the question as one of military discipline, but would give the House an assurance that he would communicate with Lord Hardinge upon the subject, and endeavour to obtain from him a promise that the members of the bands should not be forced to perform on Sunday against their will.

SIR DE LACY EVANS said, that he had the highest respect for the motives by which his noble Friend who had just sat down was actuated in putting his question, neither did he yield to his noble Friend in his respect for the principles of religious liberty. He must, however, say, that the remarks of his noble Friend wore little less than an invitation to soldiers to object, upon one pretence or another, to the performance of any military duty whatever upon a Sunday. Surely the noble Lord might have left the subject of his observations to be dealt with at the discretion of the Commander in Chief. He (Sir De Lacy Evans) understood that the Chief Commissioner of Works had obtained the assent of that noble and gallant Lord to the playing of the bands in the parks on Sunday, and considering that such was the case, and that soldiers had many important duties which they must perform upon the Sabbath, he did not think it desirable that a question which tended in any way to interfere with their necessary discipline should be discussed in that House.

SIR JOHN TROLLOPE said, he wished to correct a mistake into which the right hon. Baronet the First Commissioner of Works had fallen when referring to that subject the other evening. The right hon. Gentleman had given the House to understand that it was with the entire concurrence of the commanding officer of the 2nd Regiment of Life Guards it had been determined that the band of the regiment should play in the park on Sundays, and all the arrangements for carrying out that determination had been adopted. Now, he (Sir J. Trollope) was authorised to state, that although Colonel Williams, the officer in question, had assisted in carrying the resolution into effect, he had had nothing to do with its adoption; and he had, in fact, merely obeyed the orders he had received from the authorities at the Horse Guards in the matter.

THE MARQUESS OF BLANDFORD said, he felt bound to enter his decided protest against the principle laid down the other evening by the right hon. Baronet the First Commissioner of Works, with respect to the Government affording amusement to the public of a Sunday. It was his solemn conviction that if that principle were once admitted, one of the most important rights of this country—the right of every labouring man to have one day of rest in the seven—would be seriously imperilled. It might be said that the soldier was hired to obey implicitly the orders of his officers in every military matter, that in fact was the argument of the hon. and gallant Member for Westminster (Sir De L. Evans), but he should observe that he did not think that performing in the parks on a Sunday was a point in which a question of military discipline was involved. If compensation was to be made to the bandsmen for their time and trouble, in that case it was clear there must be a distinct contract entered into between them and the Government, independently of their contract with the Crown for the performance of military duty. It should be remembered that if the men were under military discipline the colonels of regiments were also under military discipline. But suppose a colonel should object on conscientious grounds to that use of his band, in what position would he be placed? Let him (the Marquess of Blandford) call attention to the strange state of things which might then arise. It was well known that the Government did not pay for all the bandsmen; and if one man was withdrawn from a band the whole body might be broken up. If such an order as that he was then considering was issued to a colonel who had conscientious objections to the performance of military music on Sunday, might he not withdraw a portion of the band, or might he not send the band out without instruments, for the instruments were provided by the officers and not by the Government? A case had actually occurred in which the commander of a regiment, having been ordered to send a band to some place of which he did not approve, sent them with their swords but without their instruments. The Government might thus, in carrying out that new practice, help very considerably to bring military authority into disrepute. Some colonels would rather cut their right hand off than offend their religious scruples; and thus might often happen instances of disobedience to the orders of the Commander in Chief. Another inconvenience which he thought would arise from that measure was, that it would destroy that quiet in the park which many people wished to enjoy there on Sundays. He was anxious to see as many parks as possible provided for the innocent recreation of the people; but he would ask the Government to consider the inconvenience which must follow from the collection of some 60,000 or 70,000 people in a single park on a Sunday, creating what many persons would consider a nuisance and a subject of great offence. He was aware that it was the practice for the Governments of foreign countries to provide amusements for the people; but in this country the duty of providing public amusements had hitherto been left to private individuals. A new system, however, had just been introduced among them; and he wished to know whether that innovation had been considered by the Government in its collective capacity, and had been made a Cabinet question? It was the introduction of an important principle, which the right hon. Baronet intended, according to his own statement, to carry into far more extensive operation, and in his (the Marquess of Blandford's) opinion such a change ought not to have been made without the most careful consideration on the part of Her Majesty's Government. What was the reason that the Crystal Palace could not be opened on Sundays? It was because by the terms of the charter they could not be allowed to take money at the doors on Sundays. The House had likewise decided that the British Museum and the National Gallery should not be opened on the Sabbath. But if the Government were to adopt the principle that they might enter into arrangements by which they would pay bandsmen for playing on the Sunday, why might they not equally pay the Crystal Palace Company for throwing that building open on the same day? Under those circumstances he wished to ask the noble Lord at the Head of the Government whether the steps taken for providing public amusement for the people on the Sundays at the public expense had been considered, or would be considered, by Her Majesty's Ministers sitting in Cabinet Council?

Mr. OTWAY said he had never heard a more singular argument than that which had just been advanced by the noble Marquess. The noble Lord stood forth as an advocate for popular recreation; and had said that he was most anxious that the parks and other open spaces where they might enjoy pure air should be accessible to the people. And yet, while supporting that argument, he complained that by the parks being opened to the populace, the performance of the bands attracted so many thousands of the inhabitants of this metropolis to the parks that it disturbed the privacy of himself and other gentlemen living in the vicinity. There was another inconsistency also on the part of the noble Lord. The object of the noble Lord, as just stated, was that the parks should be open for the recreation of the people on a Sunday; but that, of course, implied the necessity of many persons, as park-keepers, for instance, being in attendance at the parks. The noble Lord, however, did not extend any portion of that sympathy to those individuals which he had so largely and, as it appeared to him (Mr. Otway), so unreasonably extended towards the regimental bands. The noble Lord had stated that on one public occasion the band, being partially under the control of the colonel of the regiment and of the officers in their corporate capacity, was sent without their instruments, and with their swords only. He had no reason to doubt that circumstance, as he had the honour of holding a commission in the regiment in which it took place. But that was a matter very easily to be dealt with, according to the rules of common sense. If it were necessary for military purposes to have a band attached to a regiment, the band ought not to be provided at the partial expense of the regiment itself; but the whole expense ought to be provided for by the country. The officers, who already received very small pay for their services, ought not to be mulcted of thirty days' pay in order that the regiment might have a band. He could not resume his seat without expressing his thanks to the right hon. Baronet the Chief Commissioner of the Board of Works, and also to the noble Lord at the head of the Government, for the great service and benefit they had conferred on the people of this metropolis by the innocent recreation which had been afforded to them by allowing the military bands to perform in the parks on a Sunday for their amusement and recreation. He trusted the right hon. Baronet would would not be deterred from pursuing his present course by what had fallen from the noble Lord the Member for Middlesex (Lord R. Grosvenor), for whose motives he (Mr. Otway) entertained the most profound respect, but who, he believed, was advocating views that were altogether opposed to the wishes of the people. He sincerely hoped that the Government would allow this innocent means of recreation to continue, and that they would soon see the 70,000 persons who now attended the parks turned into 140,000.

Mr. WIGRAM said, the hon. Gentleman was in error in supposing that the object of the noble Lord (the Marquess of Blandford) was to keep the parks quiet for his own privacy. It was also quite a mistake to suppose that this was a question whether it was consistent with the due observance of Sunday to visit the parks and listen to music on that day. The question involved was of supreme importance to the working population of the whole empire. In a busy country like England there necessarily existed a great temptation to employ working men on the Sunday. Any one acquainted with the great shipping ports of Southampton and Liverpool must be aware that the labourers and others were compelled to work in the docks during the whole of Sunday, owing to the great zeal and zest with which the making of money was pursued, and that evils arose from the practice of a most lamentable and serious character. One thing which had hitherto suppressed the practice was the prevalence of sound religious opinion as to the observance of Sunday; and the important point in the present question was, whether the Government were, by the force of their example, in employing persons to work for amusement, to establish the principle *à fortiori* that they might be employed for purposes of profit. He saw no distinction between the two. He thought it impossible to exaggerate the importance of the matter to the labouring classes. It was useless to talk of military duty. The proposal came from the Woods and Forests, and he could not see what difficulty there could be in the Chief Commissioner informing the House whether he would take care due regard should be had for the conscientious scruples of those soldiers who were asked to play on the Sabbath.

Mr. ADDERLEY said, he wished to point out that the noble Lord (the Marquess of Blandford) had put a very grave and legitimate question—not whether it was a point of military duty that the bands should play, when ordered, on Sunday as any other day, but whether the right hon. Baronet the First Commissioner of Works could justify contravening a principle laid down by a recent vote of the House of Commons. It was not the Sunday question, but a grave constitutional question. He understood the Vote of the House, taken under the influence of a powerful speech by the hon. and learned Member for Plymouth (Mr. Roundell Palmer), laid down the principle, that while nothing was more proper than that parks and public grounds should be thrown open to the public on Sunday, yet that anything like concourses of people, or a large organisation of spectacles, theatrical representations, and all that class of public amusements belonged to the customs of other countries, but was dissonant to the habits, customs, and feelings of this country. That principle was affirmed by a large majority of that House, and no one could doubt that the decision was impelled by the very prevalent feeling of the community. That being the case, he was going to say it was "a dodge," but, at all events, it was cheating the House out of the principle they had affirmed, for a Minister of State to take upon himself to institute, organise, and to say he intended more largely to organise these concourses of people in the parks. Having succeeded so well with the attraction of music in one park, this amusement, with the addition of refreshment booths, was to be extended to every other park in the metropolis. However consonant the plan might be with the feelings of the people, he called upon the First Commissioner to state whether he considered that his proceedings were consonant with the constitution of England? No doubt, a band of music would draw a great rabble of people anywhere; but, judging from the petitions to the House, the better classes were not favourable to such an arrangement. It appeared to him that the right hon. Baronet had taken a step which —to use the mildest language—might be considered presumptuous. He was aware that the First Commissioner was connected with high and distinguished families in Prussia, and perhaps, having seen their customs abroad, the right hon. Gentleman thought it far more philosophical to introduce the Prussian mode of keeping Sunday into England. But he felt convinced that the people of England took a different view of that system, and he thought it humiliating to hear the hon. Member for Stafford (Mr. Otway) thank the Government, as if it were their duty, as in ancient Rome, to afford games for the people. He would suggest that the noble Lord (Lord R. Grosvenor) should bring the House to a distinct Vote upon the question, before it became a settled institution, at the mere will and pleasure of the right hon. Baronet, and in opposition to an opinion so recently expressed.

Mr. H. DRUMMOND said, that so far from thinking it was beneath the dignity of an administration to provide *circenses* as well as *panem* for the people, his opinion was that the Government of this country had gone a great deal too far in the opposite direction, and had too much allowed the old amusements of the people to die out without introducing any new amusements in their stead. It appeared to him that some Gentlemen did not properly apprehend the difference between a festival and a fast. But he had risen principally for the purpose of referring to a military question involved in that discussion. Two friends of his, who were officers in the Artillery at Malta, having received an order to fire a salute during the celebration of what some persons would call an idolatrous worship, had disobeyed the order; they had in consequence been censured by their immediate superiors, and the Duke of Wellington, under whose notice the matter had been brought, had thought the matter one of so much importance, that he had directed these officers should be tried by court-martial. The result was, that they had both been broken. He (Mr. Drummond) had entered a good deal into communication at the time with the late Sir George Murray, then Master General of the Ordnance, upon the subject of that court-martial and its verdict. But he had to confess that it appeared to him the ground upon which the Duke of Wellington had put the case was unanswerable. The noble Duke said—

> "If I were to allow Protestant officers to disobey their orders, because they think that by executing them they would be assisting at what they considered an idolatrous ceremony, what should I have done with the Spanish, or the Portuguese, or even the Irish regiments at Badajoz, if the besieged forces had held out a banner of the Virgin in front of them, and those regiments had refused to fire on it?"

He (Mr. Drummond) believed that a military man ought not to be allowed to disobey orders for conscientious scruples. If a soldier did not wish to conform to the rules of his profession, let him leave the service. It was troublesome enough to have to deal with the consciences of civilians, but let that House, in Heaven's name, have nothing to do with the consciences of military officers.

Sir BENJAMIN HALL said, he was anxious to say a few words in consequence of the attack made upon him by the hon. Member for North Staffordshire (Mr. Adderley). The hon. Member stated that, presuming on some power he might have as Minister of the Crown, he had contravened a Vote of the House of Commons given very recently. He denied any such allegation. He was not aware that the question now before the House was brought at all under discussion when that Vote was taken. [Mr. Adderley said, he had stated that the principle of the Vote had been contravened.] He would go back to that, and would call attention to what took place previously to the Vote being considered in the House. He would remind the House that last autumn he took the course which he was now following. No objection was made to it. He believed, on the contrary, that the great mass of the community—and it could not be supposed they were all irreligious—cordially approved of it. The hon. Gentleman had taunted him because he was connected with some Prussians. He was proud to be immediately connected with one of the most distinguished men in Europe, M. Bunsen, who was his brother-in-law. What the hon. Gentleman meant to say, he presumed, was, that in consequence of that connection he had taken the course which since last autumn he had pursued. He also denied that allegation. The noble Lord the Member for Woodstock (Marquess of Blandford) said, that it was the practice and almost the duty of foreign Governments to provide some recreation for the people on Sundays; but that it was the first time that recreation had been offered to the people of this country on Sundays, and that expenses had been incurred in reference to that object. He denied that allegation also. He remembered when it was first proposed to open Hampton Court Palace and Kew Gardens on Sundays. Precisely the same objections were made to the intentions and acts of the First Commissioner of Works when those public places were opened on Sundays which were taken now to the course he had adopted. Since that period Votes had been granted for the purpose of paying persons to watch and protect property, so that the public might be admitted without damage to those places of public resort. But, although great objections were taken at the time to the opening of Hampton Court Palace and Kew Gardens on Sunday, and although the number of visitors on a Sunday at Hampton Court was frequently 20,000, and to the Gardens 14,000 or 15,000, yet he would undertake to say that from the time they were opened to the present moment, no Member of the House of Commons had got up to complain of the recreation thus afforded to the public by the First Commissioner of Works. And if any hon. Gentleman should get up and propose to shut up those places of resort on Sundays, he ventured to say he would get very little support in that House. The noble Lord also complained that a great nuisance was created by the number of persons assembled in Kensington Gardens on Sundays. Now, he certainly did not think that any such nuisance had been created. To him it was one of the most pleasurable sights to see the great masses of the people thus collected. There was a distinction between a mob and a crowd, and he must express his conviction that the crowd collected to hear the bands had conducted itself in an admirable manner. But had there not been other assemblages in Hyde Park. A great deal had been said depreciatory of the conduct of that assemblage, which amounted, indeed, to a real desecration of the Sabbath. But he did not view the assemblage of persons to hear the music of the military bands in the same light. He could assure the House that he had received communications from every part of the metropolis thanking him for the course he had taken—urging him to continue it, and begging him not to allow himself to be diverted from his intentions, or to suppose that the people who went to the parks to listen to this music were actuated by irreligious feelings or a desire to desecrate a day set apart for better purposes. He declined to go into the question of military discipline; but there was one point touched upon by the hon. Baronet the Member for South Lincolnshire (Sir J. Trollope) to which he must refer. What he (Sir B. Hall) stated previously was, that he had communicated with the Commander in Chief, requesting him to allow the bands to play, and leaving it to him to communicate with the commanding officers of regiments. All that he had stated with regard to Colonel Williams was, that those arrangements which were made subsequently to the order received by him from the Commander in Chief had obtained his concurrence. All he hoped was, that we had not come to a time when we were to be deprived of those recreations that had always been regarded as innocent.

MR. WALPOLE said, that the objections to the course which the right hon. Gentleman the Chief Commissioner of Works was pursuing were very strong. The House had recently voted, by a large majority, that places of amusement under the control of the Government should not be opened on Sundays. The right hon. Baronet would allow him to remind him, also, that the petitions presented with reference to that question almost all expressed an opinion against allowing the bands to play in the Royal parks on Sundays. He heartily concurred in the hope expressed by the right hon. Baronet that the time was not coming when we were about to be deprived of our most innocent recreations, for he thought that a Puritanical Sunday was one of the last things to be desired, and was a thing which England, he trusted, never would adopt. But there was a broad distinction between interfering with private persons in their innocent recreations, and introducing a new custom which was not palatable to a very large portion of the public of this country. He knew that this opened up the general question as to what the House of Commons ought to do with reference to the observance of the Sabbath, into which he did not purpose to enter. But his notion was that the observance of the Sabbath ought to be left to the private consciences of individuals; but he thought also that the nation, as a nation, and the Government, as a Government, ought never to require from its public officers an abandonment of a day of rest. That was the only ground which the Government could take, as a Government. That was a plain, broad, and distinct line, and all the rest ought to be left to the conscience of individuals. The hon. and gallant officer (Sir De L. Evans) had deprecated any interference between a Commander in Chief and the soldiers under him. Upon that subject he, as a civilian, had hardly the right to give an opinion; but it seemed to him that it had nothing to do with the question, for the question was not whether the House of Commons should interfere between the soldier and the commanding officer, but whether the civil authority was to put the military authority in motion to operate upon the commanding officer and the soldier in a manner very unpalatable to the public. Reference had been made to the case of two officers who had been broken some twenty years ago for having refused to salute upon the elevation of the host at Malta, and his hon. and gallant Friend the Member for Westminster had for many years endeavoured to have those officers reinstated, because that was a kind of discipline that ought not to be enforced. He did not wish to enter into that particular subject, but the question was whether, before these new customs were introduced, the Government ought not fairly to come down to Parliament and propose the introduction of these practices, and take the sanction of the House if it were disposed to give that sanction; but not to introduce them by the arbitrary power of a Minister of the Crown against the wish of the House and the people.

COLONEL NORTH said, he hoped that the noble Viscount at the head of the Government would not, at the invitation of hon. Members, draw the line and say when the soldier ought to obey the orders of his commander. The band of a regiment was composed of private soldiers, and if they disobeyed the commands of their officers they were liable to be returned to the ranks and do duty as private soldiers. He did not know what would become of the army if they carried this liberty of conscience into the ranks. A colonel of a regiment might be ordered to an attack, and might think he had 500 or 600 soldiers ready to follow him to the death; and then he might find that 500 of them would not pull a trigger, because, in the exercise of their liberty of conscience, they objected to take the lives of their fellow-creatures. People were not obliged to enter the army unless they liked it, but having entered it, they must abide by the rules and discipline of the service. Suppose soldiers were to refuse, from conscientious motives, to fight on Sundays, what, then, would have been done at Waterloo or Inkerman? If they once allowed such a system to be introduced into the army it would not end with liberty of conscience in religious matters, but every soldier would be told that it was a violation of the liberty of the subject to oblige him to return to his quarters at a certain hour.

VISCOUNT PALMERSTON: Sir, I agree with my hon. and gallant Friend the Member for Westminster in thinking that it would be exceedingly inexpedient—to use no stronger word—for this House to take upon itself the administration of the discipline of the army. It would be very inconvenient, and not altogether expedient, excepting in very rare and peculiar cases, for this House to interfere in any act of the military authorities enforcing the regular discipline of the service; and I must say that, if the House please to assume and to discuss hypothetical cases as to when the soldier ought or ought not to obey his superiors, it will strike a very severe blow at the necessary discipline of the army. The question put by my noble Friend the Member for Middlesex is simply a question of military discipline, however he may otherwise consider it; for he asked what course would be pursued by officers commanding regiments, or by the higher authorities at the Horse Guards, if certain members of regimental bands were to decline, on conscientious grounds, to obey an order to play in the parks on Sunday.

LORD ROBERT GROSVENOR: I beg the noble Lord's pardon, but he has not stated the purport of my question quite accurately. What I asked was, whether the noble Lord would communicate with the Commander in Chief and obtain a promise from him that no soldier should be compelled, against his will, to play in the parks on Sunday?

VISCOUNT PALMERSTON: Well, Sir, that is not only inquiring what the Government would do in a certain case, but asking them to pursue a particular course. I must respectfully decline to enter into an explanation upon such a point, the case being altogether hypothetical. But I feel it right to say, after what has taken place, that if any responsibility attaches to my right hon. Friend the President of the Board of Works for the course he has pursued, that responsibility falls equally upon myself; for my right hon. Friend communicated fully and unreservedly with me before he took any steps in the matter under consideration, and he acted with my entire concurrence. Nor do I, by any means, conceive that the course pursued by my right hon. Friend is at variance with the decision of the House upon the Resolution for opening the British Museum on Sundays; for, if one thing remains in my memory more strongly than another, it is that those who opposed that Resolution, in which I myself concurred, drew a distinction between the opening of the Museum and permitting free and unrestricted access to the parks and other public places on Sunday. It is said that the playing of bands in the parks is a new thing. I deny altogether that assertion. My recollection must greatly mislead me if I do not remember that, in early times, bands used to play in Kensington Gardens on Sunday. A band plays regularly at Windsor on Sunday, a custom which has existed from the time of George III., who was a monarch known to be attached, above all others, to the religious institutions of the country, and therefore there is no novelty in the matter. Again, I must dispute the conclusion at which the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) has arrived, that the presence of instrumental bands in the parks is the first step toward the employment of the labouring classes on Sunday. But I maintain, Sir, that the reverse is the fact. Anything that gives to the labouring classes in this great metropolis an additional value to the Sunday—that may induce them to resist any temptation which their wages may offer for the employment of their labour, so far from being a step in the direction stated by the right hon. Gentleman, is a fresh barrier opposed to Sunday labour. Of course, a great deal must depend upon the will of the working classes themselves; and if you give them a new motive for reserving the Sunday free from labour you throw an additional obstacle in the way of those who might be interested in inducing them to give up that day to purposes of toil. I attach as much value as any man to the preservation of that religious distinction which has been established between Sunday and the other days of the week; but I cannot think that affording to the population of this great city the means of some intellectual amusement, combined with the recreation of air and exercise in those open spaces which

Parliament, as the guardian of the public purse, has provided for such purposes, is a thing that deserves the censure and disapprobation of the House of Commons. I think that my noble Friend the Member for Woodstock (the Marquess of Blandford) was rather unfortunate in the objection he made, that the accumulation of large numbers of people in those open spaces on Sunday was a departure from the purposes for which they were designed. My noble Friend argued that by drawing great masses of people there we prevent the few from enjoying that contemplative solitude which induces them to believe that they are in some remote region of the country, and not in the immediate neighbourhood of a vast metropolis. I would say, on the other hand, that the greater the number of people attracted thither the stronger the proof that the creation of such places has been a wise and proper application of the public money to provide such outlets for those who, during the rest of the week are confined to their workshops, their narrow alleys, their unwholesome rooms, and the insalubrity of their places of hard and habitual exertion. If I think, as I have stated that I do, that it would be inexpedient for the House to consider questions of military discipline, I certainly regard it as of more importance still that we should abstain from discussing questions of religious doctrine. Let the people act, as has been said, according to their consciences. My right hon. Friend the President of the Board of Works does not compel any man to go to Kensington Gardens or the parks to hear the band play. Those who go, do so because they think there is no harm in it. Multitudes do go, and therefore it is manifest that multitudes concur with my right hon. Friend in thinking that there is no desecration of the Sabbath in going for a couple of hours, after the performance of their religious duties, to enjoy an intellectual pleasure, combined with the recreation of air and exercise.

Subject dropped.

EDUCATION—QUESTION.

MR. W. EWART said, he would beg to inquire whether it was the intention of the Government, on going into Committee on the Education Estimates this year, to cause a statement to be made by a Minister of the Crown of the progress and prospects of education, and of institutions connected therewith, in conformity with the understanding entered into and partly carried into execution in former years?

SIR GEORGE GREY said, the Estimates had been made, and would in due course be laid before the House. In the Estimates of the present year there would be a more detailed statement than on previous occasions, and, if any further explanations were found necessary, they should be given when the question next came before the House. As to the latter part of the question, he might say that he could not take that duty upon himself, but if Parliament would sanction the proposal for the new office of a Minister of Education, the subject would be attended to in a comprehensive form. He could not tell when the Estimates would be brought on, but he believed they might be taken the first night the House went into Committee of Supply.

FIELD ALLOWANCES—THE MILITIA—QUESTION.

COLONEL DUNNE said, he would beg to ask the hon. Under Secretary for War whether the allowance usually granted to troops in the field had been allowed to a foreign legion in the British service, but refused to regiments of the line?

COLONEL GREVILLE said, before that question was answered, he should be glad to know whether the militia regiments had been ordered to proceed home on the shortest notice. He understood that it was the intention of the Government to send home to their respective counties the Irish and English regiments of militia, and that orders had been issued to that effect to the commanding officers of regiments. He owned that he should view with considerable apprehension many thousands of men being thrown upon the country all at once without any provision being made for them. Many of those men were labourers, and not only had their places been filled up by others, but just at this time there was a great scarcity of employment, for the spring labour was over and the harvest was yet distant. He wished to know whether the Government intended to disembody these regiments simultaneously or by degrees? These men were well worthy of some consideration at the hands of Her Majesty's Government, as their conduct had been very good during their period of service.

COLONEL FRENCH said, he had to complain that the Irish regiments of militia now in England were under orders to be conveyed back to their own country; and he also understood that the English regiments had been embodied for four years, while the Irish had been embodied for only one year, and, at this moment, the remuneration of the subaltern officers had not been more than sufficient to provide for their regimental clothing, their mess, and the expense of the band. He hoped those regiments would be kept on foot as long a time as the English were.

Mr. FREDERICK PEEL was understood to say, in answer to the question put by the hon. and gallant Member opposite (Colonel Dunne), that the extraordinary field allowances in the Crimea were granted only for so long a time as those regiments should be in the field before the enemy; but, the war being now over, these allowances had ceased. With regard to the militia, the Irish would be disembodied at the same time as the English regiments. The case referred to of the subaltern officers was now under the consideration of the Government.

MASTERS IN THE NAVY—QUESTION.

Mr. LAYARD said, he would beg to ask the First Lord of the Admiralty why, notwithstanding an Order in Council, only one master had been promoted to the rank of lieutenant in the navy, and not one to the rank of commander, out of 109 masters and second masters mentioned in despatches for special and distinguished services during the late war?

Sir CHARLES WOOD said, that the hon. Gentleman was mistaken if he supposed that every master who was mentioned in despatches had necessarily performed very distinguished services. Nine-tenths of those mentioned were the names of persons who had been engaged in some particular service; but it was not to be supposed that anything extraordinary had been performed by themselves. They were not, therefore, entitled to promotion to the rank of commander, which was reserved for those who had performed extraordinary services. He had no doubt the masters performed their duty, and some of them had been rewarded by getting situations in the various dockyards.

Sir CHARLES NAPIER said, that he should not be doing his duty if he did not say a word on behalf of the masters of the Royal Navy. They were a most meritorious and useful class of officers, and he was sure he did not know what he should have done without them in the Baltic. He trusted that the Government would take their claims into their most favourable consideration.

THE BUDGET—QUESTION.

Mr. GLYN said, he would beg to ask upon what day the Chancellor of the Exchequer intended to make his financial statement?

The CHANCELLOR of the EXCHEQUER: Sir, I should have preferred making it before Easter, but it was impossible to calculate the amount of Ways and Means necessary for the service of the year until the Estimates had been laid before the House in a complete form, and the amendment of the Estimates, since the peace was signed, has occupied more time than I had anticipated. The amended Estimate for the War Department has now been sent to the Treasury, and will immediately be laid upon the table; the Estimate for the Naval Department is also ready, with the exception of one portion, and will be presented in a few days. Every day before the Whitsuntide recess is, however, already occupied, and as, probably, it would not be convenient to fix Friday, the day upon which the House will meet again, for making the financial statement, I will fix it for Monday, the 19th inst.

The Motion for the adjournment of the House was then *agreed to.*

POLICE (COUNTIES AND BOROUGHS) BILL.

Order for Committee read.

House in Committee.

Clause 3 (The Secretary of State, upon representations from Boroughs, to arrange terms of consolidation with counties).

Sir JOHN PAKINGTON said, that he was very much disposed to move that this clause be omitted, but would wait until the right hon. Baronet (Sir G. Grey) had stated its precise object. The opposition which the Bill had encountered arose principally from the power of interference which it would give to the Secretary of State. In this clause he was empowered to interfere when a county refused to amalgamate with a borough at its request. He wished to know whether the right hon. Baronet ever heard of a case in which a borough had desired to be amalgamated with a county for police purposes, and the county had declined? He believed the facts were quite in the opposite direction, and that in almost all cases counties desired amalgamation with boroughs, but that it was the boroughs which declined.

SIR GEORGE GREY said, by the present law consolidation could only take place by mutual agreement, and might be dissolved either by the county or the borough at any time. Great objections had been raised to a compulsory consolidation, while at the same time the Government were of opinion, strengthened by remarks from various quarters, that an efficient police system could not be maintained in a borough with a small population. Where the population did not amount to 5,000, boroughs were excluded from the benefit of the Government grant; most of them were below that number, and in a great many there were not more than two to four policemen. Such boroughs might desire to amalgamate with counties, and although he could not name an instance in which a county had declined to amalgamate, hitherto boroughs had shown a great disinclination to do so, and such a case might happen. The present clause gave the Secretary of State power, in case an application made by a borough to amalgamate with a county were refused, to settle the terms of such consolidation. The clause was entirely in the interest of the boroughs.

LORD LOVAINE said, he thought the clause would be inoperative, but as the power it conferred upon the Secretary of State might prove to be useful, he should support it.

SIR JOHN PAKINGTON said, that the borough he represented had amalgamated their police with the county, but the 13th clause of the Bill, which must be taken in connexion with the present clause, and which enacted that agreements for consolidation should not be determined without the sanction of the Secretary of State, had so excited the alarm of his constituents that they had given notice to put an end to the amalgamation. He would, therefore, recommend the right hon. Baronet to withdraw both clauses. Many boroughs were willing to amalgamate with the counties, but they would decline to do so if the arrangements were made to partake of the indissoluble character of a matrimonial union.

SIR GEORGE GREY said, he agreed with the right hon. Baronet in thinking that the 13th clause should not be taken in connexion with the present. If the Committee should determine that the 13th clause should not stand part of the Bill, he would then consent to the omission of the 3rd clause.

Clause *agreed to*, as was also Clause 4.

Clause 5 (Constables to perform duties connected with the Police, as directed by the Justices or Watch Committee).

MR. ADDERLEY said, he objected to the unlimited power given by the clause, and would move the insertion of words to define the duties to be undertaken by the police, namely:—

> "The duties of inspectors of weights and measures, the duties of inspectors of lodginghouses, that they shall serve summonses, precepts, and notices, and undertake the conveyance of prisoners."

SIR JOHN PAKINGTON said, he considered that the Amendment was unnecessary, as it was already provided in the clause that all duties to be undertaken by the police, in addition to their ordinary duties, should be such as were connected with the police.

MR. RICE said, his objection to the clause was, that it limited the magistrates too strictly.

SIR GEORGE GREY said, he thought the objection would be obviated by substituting the words, "such duties as justices of the peace may lawfully require them to perform."

MR. MILES said, he hoped that the words would be retained. It was well known that if any great latitude were given, some duties would be thrown upon the police which would prevent them from performing their legitimate duties. The great mission of the police was to repress crime, which it was impossible for them to accomplish if they were to be turned into letter-carriers.

SIR WILLIAM HEATHCOTE said, he thought the words might be very safely omitted, as their retention would in all probability lead to a great deal of dispute.

SIR JOHN PAKINGTON said, he did not think it very important whether the words were rejected or not, but he would rather have them retained; for he was much more apprehensive of the tendency to throw on the police duties unconnected with their office, than of the inconvenience likely to result from their not performing certain duties which it might be convenient for them to undertake.

SIR GEORGE GREY said, he thought it would be better, on the whole, to retain the words.

Amendment, by leave, *withdrawn*.

MR. HEADLAM said, the clause enacted that the constables should, in addition to their ordinary duties, perform all such duties "connected with the police" as the justices in quarter sessions should require. He thought the words "connected with the police" were unnecessary, and should therefore move that they be omitted.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*;—Ayes 77; Noes 73: Majority 4.

Clause *agreed to.*

Clause 6 (Constables shall not receive Fees).

Mr. PRICE said, he desired to move the addition of the following words to the clause:—"Or which may be payable to, or be applied in aid of, any police superannuation fund established or to be established in any borough under the provisions of the Act 11 & 12 *Vict.*, chap. 14."

Mr. HARDY said, the right hon. Baronet the Home Secretary had stated on a former occasion that the superintendent of police at Leominster was paid by fees for the performance of what were essentially police duties, and that the police sergeants and other constables were not allowed to serve warrants or perform duties which would interfere with the perquisites of the chief officer of police. The right hon. Baronet must have made that statement upon misinformation, for the police of Leominster were paid by fixed salaries, the superintendent receiving £1 14*s.* a week, with a house and garden; the patrol sergeant 16*s.* a week, and the constables 15*s.* a week each; and in the absence of the superintendent the sergeants and other policemen were empowered to serve warrants and summonses, and to discharge similar duties.

Sir GEORGE GREY said, he had made the statement to which the hon. Gentleman referred upon the authority of a printed copy of the police regulations for the borough of Leominster, which had been transmitted, under the Act of Parliament, to the office of the Secretary of State for the Home Department, and under those regulations it appeared that the superintendent of police was entitled to receive certain perquisites.

In reply to Sir Joshua Walmsley,

Sir GEORGE GREY said, it would be competent, under this measure, for justices of the peace in counties, and for watch committees in boroughs, to reward constables for extraordinary exertions.

Motion *agreed to*; Clause *agreed to.*

Mr. Headlam

Clause 7 (Borough Constables disqualified from voting at certain Elections.

Mr. HORSFALL said, he did not expect such a proposition would come from a Liberal Government, and as he saw no good reason for disfranchising borough constables, he would move the omission of the words "Or within six calendar months after he has ceased to be such constable be capable of giving his vote for the election of a Member to serve in Parliament for such borough, or any county, in or to which such borough is situate, either wholly or in part, or adjoins, or for any borough within any such county, nor shall any such constable."

Sir GEORGE GREY said, he must explain that the words "within six months" were intended to prevent an evasion of the disqualification by a man ceasing to be constable one day, voting the next, and again becoming constable the day following.

Sir JOSHUA WALMSLEY said, he did not apprehend that any undue influence would be brought to bear upon the votes of the police constables. He thought that the police constable had as much right to their votes as any Cabinet Minister, or other person holding paid offices under the Government.

Mr. PACKE said, he should support the clause, because he could not but think that if the police were under any political bias great difficulties and disturbances might arise at those times when it was most necessary that they should be in a position to discharge their duties as guardians of the peace, free from any influence of political feelings.

Mr. BIGGS said, he must deny that it was the practice of borough corporations to appoint their police from political considerations. Any allegation of that kind could only originate in ignorance. Education, character, and physical strength were the only qualifications required for borough constables.

Lord LOVAINE said, he wished to show from the evidence printed that the public-houses belonging to members of the Liverpool Watch Committee were rarely reported by the police for their irregularities, and that the inspection to which such places were subjected was inferior in stringency to that extended to other houses of entertainment.

Sir GEORGE GREY said, that at least showed that in one case, other than legitimate considerations had to do with the appointment of constables—that Parliament had disqualified the metropolitan police from taking a part in elections, it being held necessary to remove from the arena of politics a body on whose firmness, forbearance, and impartiality in times of popular excitement the public peace so greatly depended. The same considerations were equally applicable to other constabulary. If the hon. Member for Liverpool objected to the entire clause, it would be useless then to discuss an Amendment on its mere wording.

MR. HORSFALL said, he did not oppose the whole clause. He considered that the police should be debarred from influencing elections, but not from the exercise of their franchise. Moreover, in times of disturbance the special constables were called out, and yet they often consisted of voters.

SIR JOHN PAKINGTON said, he thought it desirable to prevent the possibility of police constables being mixed up in party politics. The question was whether the police should remain all blue as at present, or be divided into blue and yellow. He should like to see the clause extended to municipal as well as Parliamentary elections.

MR. CROSSLEY said, he was glad to find Her Majesty's Government were about to extend the franchise, for it was impossible that police constables receiving 16*s.* and 18*s.* a week could live in houses of £10 a year. He should support the clause, for he thought it better that the police should not have a vote at elections.

MR. HEADLAM said, he should be satisfied with disfranchising a police constable while in the force, but not to take away his vote for six months after he had ceased to be a constable.

MR. W. J. FOX said, they might deprive policemen of their votes, but they could not prevent them taking an interest in political contests. They had opinions like other people, and the best way he thought was to give them a legitimate mode of expressing those opinions. They were a class of men eminently qualified to exercise the suffrage, and in answer to the suggestion that if they had votes they would be under sinister influence, he would observe that he hoped, before many years, to see adopted the practice of secret voting.

MR. BENTINCK thought the hon. Member for Liverpool ought to show why the regulations in force in the county police were not also applicable to boroughs.

MR. WISE thought it would be sufficient to disfranchise the police for two months after they had been in the force. He considered six months too long a period.

SIR SAMUEL BIGNOLD said, that he had been requested, on behalf of the borough of Norwich, to support the clause, as being in accordance with the feelings of the police force. The Watch Committee of that borough selected the police without regard to political considerations, but when an election occurred they had not that free action which was desirable. It was the desire of the police themselves that they should have no votes at elections.

CAPTAIN SCOBELL said, he thought the clause was the best one of the Bill, for he believed that the policemen themselves would be most thankful to the House for taking from them a privilege, the exercise of which would be in many cases most inconvenient to them.

MR. HORSFALL said, he would withdraw his Amendment, as he did not want to force the privilege upon the police if they did not wish to possess it.

SIR GEORGE GREY said, it would be desirable that the borough police should be left on the same footing as the county police in this respect.

Amendment, by leave, *withdrawn.*

LORD LOVAINE said, he wished to move to add, in Clause 7, line 19, after "election," the words, "of any person to any municipal office in or." The object of the addition was to disqualify the voter from taking part in municipal as well as Parliamentary elections.

SIR FRANCIS BARING said, that though he was hostile to the practice of disfranchising classes, he must admit that the case of the police was exceptional, and as constables had been already rendered incapable of voting at Parliamentary elections, he could see no reason why the disqualification should not be extended to municipal elections also.

Amendment *agreed to.*

SIR JOSHUA WALMSLEY said, he wished to move the omission from the clause of the words by which it was sought to impose a fine of £20 on any constable who "by word, message, writing, or in any other manner should endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such borough or county."

MR. J. G. PHILLIMORE, said, he was in favour of the Amendment, for he thought the clause as originally worded would by its undue severity defeat its own object.

MR. W. J. FOX said, that, unless they put muzzles on the mouths and blinkers on the eyes of constables, it would be impossible to prevent those officers from giving utterance to what they thought, felt, and wished at elections.

MR. DEEDES said, the words referred to were in the Act which constituted the county police. They were then well considered, and he saw no reason why they should be withdrawn with regard to the borough police.

SIR JOHN PAKINGTON said, he was in favour of the retention of the words, for the police ought not to be encouraged to mix themselves up in elections.

SIR GEORGE STRICKLAND said, he thought those words were very severe, and carried our legislation further than it had ever yet gone. Surely, every man was entitled to think and discuss, as it pleased him, on any subject, and on any occasion. It was that freedom of judgment which had never yet been interfered with in this country.

MR. WATSON said, he thought that it was of great importance to retain the words. They were intended to discourage partisan electioneering in the police, which might otherwise become a great abuse. He would recommend, however, a reduction of the penalty, from £20 to £5, because it would be found that magistrates would not convict of the offence if it were to involve such penalties. The Act would thereby become a dead letter.

MR. PACKE said, he also concurred in the propriety of reducing the penalty.

Amendment proposed, in page 4, line 21, to leave out from the word "County" to the end of the Clause.

Question put, "That the words 'nor shall any such Constable' stand part of the clause."

The Committee *divided*:—Ayes 139, Noes 18: Majority 121.

SIR JOSHUA WALMSLEY said, he would then move that the penalty should be reduced from £20 to "a sum not exceeding £5."

SIR GEORGE GREY said, that the words "not exceeding" would not apply to this penalty, because, as it was recoverable by an action for debt, the sum must be absolutely fixed. He proposed to reduce the amount of the penalty to £10.

Clause *agreed to*.

Clause 8: Justices of Counties may grant superannuation allowances to Chief Constables.

COLONEL WILSON PATTEN said, it had been suggested to him by a superintendent that the chief constables would greatly prefer receiving their retiring allowances from a superannuation fund, in the same way as the other constables, to being made dependent upon the magistrates in the manner proposed by this clause.

MR. HENLEY said, he thought that there ought to be some limit as to the number of years a chief constable should serve before receiving a superannuation allowance. He considered that ten years' service should be required to entitle to superannuation.

SIR GEORGE GREY said, that by the operation of an existing Act fifteen years' service was the minimum entitling to a superannuation allowance in ordinary cases, but there might be peculiar circumstances entitling an officer to superannuation before that period of service. If a chief constable in the discharge of his duty met with an accident, he thought it might be safely left to the magistrates to decide whether he should have a superannuation allowance before the ordinary period.

Clause *agreed to*.

Clause 9. Statement of Accounts shall be sent in annually to the Secretary of State.

MR. HENLEY said, he would propose that as the borough accounts were to be sent in through the Watch Committee, so the county accounts should be sent in through the justices of the peace in quarter sessions assembled, instead of through the chief constable, as the clause at present provided. He would also suggest that Michaelmas would be a better time than January for making up the accounts.

SIR GEORGE GREY said, he would agree to both suggestions.

VISCOUNT DUNGARVAN said, he wished to propose the insertion of words requiring the chief constable of every county and the Watch Committee of every borough to include in their annual Reports to the Home Secretary the names of the places to which information of the offences committed within their respective districts was sent. His object was to secure the establishment of an organized system of communication between the different police forces throughout the country.

MR. MASSEY said, that the effect of the Amendment would be to encumber the Reports with a great variety of minute and wholly unnecessary details.

MR. MILES said, he wished to inquire whether a printed form had been prepared at the Home Office for the entry of charges at the different police offices?

MR. MASSEY replied, that a charge sheet had been drawn up at the Home Office and sent to the police authorities in boroughs; but he was sorry to say that little use had been made of it. A similar form would be supplied to counties.

Amendment *negatived*.

VISCOUNT DUNGARVAN said, he would now move the insertion of words compelling the police authorities in counties and boroughs to state in their annual Reports to the Home Office the name, age, and description of every superintendent or other constable appointed or discharged during the year. The object of the Amendment was the formation of a register to which chief constables and watch committees might refer when they wanted to fill up vacancies.

MR. MASSEY said, that there were regulations in existence at the present moment which secured the object contemplated by the noble Lord.

CAPTAIN SCOBELL said, he would suggest, in pursuance of a recommendation made to him by a chief constable, that the annual Reports should also include a list of the resignations, and the causes thereof.

Amendment *negatived;* Clause *agreed to.*

Clause 10 (Her Majesty may appoint Inspectors for inquiring into efficiency of Police, &c.)

LORD HENRY LENNOX said, he wished to move an Amendment to the effect that no money should be granted for borough police, except on special application.

SIR JOHN PAKINGTON said, that where public money was paid and received, it was only fair and right to have security from the Government that it was properly expended. There could be no objection to a system of inspection, but it was desirable that an explanation should be given as to how the inspection was to be exercised and how far it was to be carried. An occasional inspection would, he thought, be quite sufficient, and being of that opinion he did not see that there would be anything like work enough to occupy the time and attention of three permanent inspectors.

MR. C. FORSTER said, he objected to the police force being paid out of the Consolidated Fund. He also objected to the inspection system, and should divide against the clause.

MR. RICE said, he thought that many boroughs would be very glad to receive some assistance from the Municipal Fund. The Home Secretary was responsible for the peace of the kingdom, and it was only right that he should receive Reports from inspectors as to the efficiency or non-efficiency of the police throughout the country.

SIR FRANCIS BARING said, he considered that it was hardly possible to argue the Amendment without going into the whole question of the payment of inspectors, and it was not so much a question of inspection as of payment. He believed that the real principle of the Bill was to get the money with the view of getting the inspection; and he objected to any such mode of carrying a Bill through that House. It was wrong to use the Consolidated Fund for the purpose of tempting the Members for counties to adopt a measure which, but for that temptation, he did not believe they would ever agree to. The whole principle of the Bill depended upon the payment of the money out of the Consolidated Fund, and he hesitated not to say that in the matter of inspection he would have no mercy upon them who took the money, for if they took it they did so with the condition that those who declined to take the money ought to be exempt from inspection. He doubted very much the advisability of drawing upon the Consolidated Fund for local purposes merely. Those who required more police should pay for them without distributing the cost over the whole country. If local burdens were fairly imposed there ought not to be any demand on the Consolidated Fund; but an impression prevailed that those burdens were not fairly imposed, and that being the case, it might be necessary that the whole question of local taxation should be revised. The fact was, he feared the right hon. Gentleman the Home Secretary was by this Bill opening up a very difficult question for the Chancellor of the Exchequer hereafter. The boroughs wished neither money nor inspection, and he believed that Portsmouth and Southampton were amongst the places which repudiated both. It was said that the Home Secretary was responsible for the public peace, and in that opinion he quite agreed; but he could not therefore understand why this general system of inspection was required. In conclusion, he begged to say that he objected altogether to a grant of money from the Consolidated Fund, and upon that ground should oppose the clause.

Mr. W. WILLIAMS said, that the £300,000 offered by the Bill to the counties was a bribe for its passing. Since the passing of the Corporation Bill, the boroughs had established a police of their own, and twenty-four out of fifty-two counties had established a rural police, and yet it had been proved that where this police existed there was no greater security to life and property. The House ought to set its face against the system of passing Bills by offering an apparent reduction in local taxation. This was the first step towards establishing a system of *gensdarmerie* throughout all England. [*Laughter.*] Hon. Gentlemen might laugh, but the system was already established in Ireland, and it would, in the end, be extended to England and Scotland. He should take the sense of the Committee on the next clause, which defined the amount of the grant.

Sir GEORGE GREY said, the sole object of the Bill was to increase the efficiency of the police in boroughs and counties. He hoped, if the hon. Gentleman persisted in his opposition to the clause, he would extend the principle he advocated, and apply it to the borough of Lambeth. There at present existed in many boroughs and counties an inefficient police; and he believed that the great obstacle to a more efficient system was the expense which it would impose upon the ratepayers. The change of the law, by which transportation had been abolished and imprisonment substituted, had entailed great expense on the counties, from which they had desired some relief. If the apprehension of offenders was a local affair, then the punishment of offenders was a local affair, which had long been paid out of the public revenue. The principle of the Bill was not a new one; it was involved in several Acts relating to the administration of justice. With regard to inspectors, he did not wish to appoint more inspectors than were necessary; and he should be happy to appoint two inspectors instead of three, but at the outset, there would be many inquiries to institute, which would require much time and trouble. It would be necessary to have a number sufficient to insure efficiency. The inspection, above all things, should not be a partial, but a general one.

Mr. DEEDES said, he begged to express his concurrence in the view which had been taken of this part of the measure by the right hon. Gentleman the Member for Portsmouth (Sir F. Baring). If inspectors were appointed, they would feel themselves obliged to do something for the money they received, and the consequence would be that the Government would have all sorts of conflicting Reports made to them. He, as a county Member, would reject every offer made by the Government for an advance of money by the public.

Mr. MUNTZ said, he was opposed to the clause. Why should there be inspectors when there was nothing that required to be inspected? Those gentlemen would always be finding fault with somebody, whether they had any cause or no cause. Why should the inhabitants of boroughs, who thoroughly understood their own business, be incumbered with inspectors? There must be some object which did not appear on the surface, otherwise the Government would not be so anxious to have inspectors.

Mr. HENLEY said, he thought it was a just and fair principle that districts which did not receive assistance from the public funds should be exempted from inspection; and that those districts which chose to receive grants from the Consolidated Fund should be subjected to inspection. The hon. Member for Birmingham (Mr. Muntz) said he disapproved of inspection; and at that avowal he (Mr. Henley) was not surprised. It was well known that within the last few years proceedings had taken place in the Birmingham gaol which had attracted a great deal of public attention, and who had been the means of exposing the malpractices which existed in that establishment? Not Her Majesty's Inspectors of Prisons, but some of the inhabitants of Birmingham. He feared that a system of inspection would lead the people to relax their own vigilance with regard to matters of this kind, and to trust too implicitly to Government Inspectors, who sometimes required good spectacles. He approved the Amendment, which would leave boroughs at liberty to receive or refuse aid from the public funds.

Viscount EBRINGTON said, he thought that the 11th clause was the one of the greatest importance, as it would inflict a great injustice upon the country, by compelling contributions from the Consolidated Fund. He would also press upon the attention of the Committee the immense amount of valuable property in the country which paid no taxes.

MR. MILNER GIBSON said, he would like to know what was the opinion of the right hon. Gentleman the Chancellor of the Exchequer with regard to the policy of adding continually to the charges upon the Consolidated Fund? He did not see why, when persons did not solicit aid from the public taxes, such assistance should be forced upon them. The population of Manchester had never asked for assistance from the public funds to defray their own local expenditure; but if the principle of affording such aid was established, he did not mean to say that they would wish to constitute an exception to the general rule. He believed, however, that they would prefer that counties and boroughs should be left to meet from their own resources the legitimate local expenditure of their respective districts. He should oppose the clause, because he thought it quite unnecessary to interfere with the police in boroughs. He asked for neither money nor inspection.

MR. BECKETT DENISON said, he thought that the Government ought to contribute most liberally to the expense of the police, as they were now relieved from the expense of transportation; and that if they granted money they were assuredly entitled to have inspection. Boroughs wanted inspection quite as much as counties, and he saw no reason why boroughs should be exempted.

MR. W. J. FOX said, he could not see the fairness of taxing the boroughs for the payment of police in rural districts, which would be the effect of paying them out of the Consolidated Fund. The boroughs objected to receive the public money, and preferred going without it. The borough police were responsible to the Watch Committee, and the Watch Committee were responsible to the ratepayers who elected them.

MR. HADFIELD said, he not only condemned the clause, but he must also express, at the same time, his strong disapproval of the entire Bill.

Amendment proposed, in page 5, line 22, to leave out the word "every," and insert the word "any."

Question put, "That the word 'every' stand part of the clause."

The Committee *divided*:—Ayes 175; Noes 116: Majority, 59.

Question put, "That Clause 10, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 199; Noes 100: Majority 99.

Clause *agreed to.*

Clause 11 (One-fourth of the charge of the Police Establishment in Counties and Boroughs shall be defrayed by the Treasury).

SIR WILLIAM JOLLIFFE said, he objected to the provision which makes the payment in question contingent on a certificate from the Home Secretary attesting the efficiency of the force. The power proposed to be conferred on the Home Secretary was as arbitrary as unprecedented, and there was the less excuse for it, as it was not necessary for the better discipline of the police. He held that inspections and publicity would tend to make the police a most valuable and efficient body; but, at the same time, he believed that the value of that body would be seriously interfered with if the control of the charge was to be dependent upon the will of the Secretary of State. He believed that this was the first time it was ever proposed that the Secretary of State should step in between a Government grant and those who were to be benefited by it. Inspection and publicity acted beneficially with regard to prisons, and why should not the same principle be applied to the police. The certificate was only to be given in the event of the police being efficient; but it would be very hard because magistrates, or even Secretaries of State, neglected their duty in making the force efficient, that ratepayers should be called upon to pay one-fourth more than their neighbours. He should never consent to ratepayers suffering for what they were in no way responsible; and he should certainly divide the Committee upon his Amendment.

SIR GEORGE GREY said, under the clause no assistance was to be given, unless on the assurance that the money would only be expended in rendering the police more efficient. The hon. Member's proposal was, that one-fourth of the expenditure should be paid by the Treasury in all cases irrespective of efficiency; but that would defeat the object of the clause, which was to induce the different boroughs and counties to put their police in a proper condition.

Mr. W. WILLIAMS said, he believed that the ratepayers of the metropolis were quite ready to support their own police without any aid from the Consolidated Fund, provided the entire management of that force were placed in their hands.

Mr. HILDYARD said, the ratepayers, who had no power to prevent maladministration in the police, would yet be obliged to bear the whole expense when the Secretary of State withdrew the State allowance of one-fourth of the amount in consequence of an unfavourable Report being made concerning the police of the borough in question.

The CHANCELLOR of the EXCHEQUER said, he must beg to explain that the object of the clause was to enable Parliament to exercise a proper supervision over the application of its grants.

Sir FRANCIS BARING said, he did not think that this object would be best attained by the provision as it stood. He would agree that it was so as the right hon. Gentleman had described it; but upon looking at the authority under which the money was issued or withdrawn, he considered it too much to make the issue or non-issue of money dependent on the Report of a single inspector sent down to examine into the administration of the police of any borough. Ought not such a Report to be laid on the table of the House, and an opportunity given to the parties affected by it to answer the charges made in it before that Report was acted on? Surely some other means might be devised as a check upon the proper application of the money.

Mr. HENLEY said, he thought that the clause was too important to be discussed at that late hour (ten minutes past twelve o'clock), and he would therefore, move that the Chairman should report progress.

Sir GEORGE GREY said, he would not press the Committee to proceed with the consideration of the clause that evening; but he could not consent to report progress without saying that he thought the laying upon the table of the House the Reports of the inspectors would be a sufficient check upon the Secretary of State, who would never refuse or withdraw a grant without previous communication with the persons interested. If the hon. Gentleman (Sir W. Jolliffe) could suggest the insertion in the clause of any words which would impose a more efficient check he should be happy to consider them.

House resumed.

Committee report progress.

FIRE INSURANCES BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming adjourned Debate on Amendment proposed to be made to Question [21st April], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question.

Debate *resumed.*

Mr. VANSITTART said, the Bill was a clumsy expedient for the attainment of the object of the Chancellor of the Exchequer, and he should support the Amendment for reading it a second time on that day six months.

Mr. MURROUGH said, he also thought that the Bill would not effect the object for which it was intended, and that it was entirely worthless.

Mr. GLYN said, he could not avoid expressing his surprise at the course pursued by hon. Gentlemen who opposed the Bill. For his part he should support it, on the ground that it was necessary for the protection both of the Inland Revenue and of the trade of English Insurance Companies, in reference to foreign competition. It had nothing whatever to do with the question of a reduction of duty. A reduction ought to be pressed upon the Government, not now, but at a proper time. No doubt the primary cause of the small proportion of insurances effected in England in comparison with France and Holland was the high rate of duty. But they must also remember that in France and Holland what was called "the average clause" was part of the law of the land. The meaning of that clause was, that when an insurance of £3,000 was effected upon property worth £9,000, and £3,000 worth of that property was destroyed, the office was bound to pay only the proportion of the loss that the amount of insurance bore to the total value of the property; whereas in England, without "the average clause," the office was bound to pay the whole amount of the loss. If the Chancellor of the Exchequer would reduce the duty and the offices would, at the same time, reduce their premium, he believed the system of insurance would be so much extended that neither the Revenue nor the companies would suffer any loss. But that measure was quite unconnected with the question of the amount of duty.

MR. HADFIELD said, he was of opinion that it was quite competent for the House to introduce a clause into the Bill to reduce the duty. He believed that the Bill, as at present framed, would be mere waste paper, and he should vote against it; but if the second reading should be carried he would in Committee propose to reduce the duty from 3*s.* per cent to 1*s.* per cent.

VISCOUNT GALWAY said, he should move the adjournment of the debate.

THE CHANCELLOR OF THE EXCHEQUER said, he trusted the Motion for the adjournment would be withdrawn. He did not understand what possible objection there could be to the Bill, the object of which was to prevent the revenue from being defrauded, and also to protect the English Insurance Companies from the unfair competition of foreign agencies, which were carrying on a contraband trade in this country. If the Bill should not be found sufficient for its purpose, it would be competent for hon. Gentlemen on another occasion to propose a reduction of the duty.

MR. CROSSLEY said, he thought the Bill, as it could not make the matter worse than it was, should be allowed to undergo consideration in Committee, and then a proposition could be made for the reduction of the duty.

MR. WILKINSON said, if the Bill were passed, which he believed would be useless, great obstacles would be opposed to the consideration of the reduction of the duty.

MR. VANSITTART said, he would propose that the Bill should be deferred till after the budget, otherwise he should divide the House.

MR. DUNCAN said, he thought the duty should be reduced, for he believed that a shilling duty would be found quite as profitable to the revenue in a very short time.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes, 133; Noes, 31: Majority, 102.

Main Question put, and *agreed to.*

Bill read 2°.

NATIONAL GALLERY BILL.

Order for Committee read; House in Committee.

Clause 1.

LORD ELCHO said, that the affairs of this institution had been so much mismanaged that he was not willing to put its management out of the hands of Parliament, or to allow the trustees and directors the uncontrolled power of selling pictures. The constitution as established by the Bill was most anomalous, and he could not conceive how it would work. He should move as an Amendment that no pictures should be sold without the authority of Parliament.

MR. LAYARD said, he would suggest that there should be a power, not only of sale, but of giving the pictures not wanted for the gallery to provincial galleries.

MR. WILSON said, that that power already existed, and was often exercised. The object of the Clause was to enable the directors to part with pictures which might form part of galleries purchased as a whole. It would be a most anomalous proceeding for Parliament to take on itself the responsibility of selling pictures.

MR. GLADSTONE said, he would suggest that no pictures which had ever formed part of a gallery should be sold until a list and description of such pictures had been laid before Parliament. He did not mean such pictures as had been purchased as part of other galleries purchased for the gallery, but such as had formed part of the gallery, and had been exhibited.

MR. WILSON said, that he would adopt the suggestion, and consider what means would be fit for carrying it out.

After some further discussion, Amendment *withdrawn.*

Bill passed through Committee.

House resumed.

Bill *reported,* as amended.

The House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Sunday, May 4, 1856.

GENERAL THANKSGIVING DAY.

The House adjourned during Pleasure, in order to proceed to the Abbey Church to solemnise this Day, being the Day appointed by HER MAJESTY'S Royal Proclamation for a General Thanksgiving for the Restoration of Peace.

House resumed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Sunday, May 4, 1856.

GENERAL THANKSGIVING DAY.

This being the day appointed by Her Majesty's Proclamation for a General Thanksgiving for the restoration of Peace, Mr. SPEAKER and the Members met at the House, and proceeded to St. Margaret's Church to attend Divine Service.

HOUSE OF LORDS,

Monday, May 5, 1856.

MINUTE.] PUBLIC BILL.—1ª Joint Stock Companies Winding-up Acts Amendment.

GENERAL THANKSGIVING DAY.

Ordered, That the Thanks of this House be given to The Lord Bishop of BATH and WELLS for the excellent Sermon by him preached Yesterday in the Abbey Church, Westminster, being the Day appointed by Her Majesty's Royal Proclamation for a General Thanksgiving for the Restoration of Peace, and that he be desired to cause the same to be forthwith *printed* and *published.*

THE TREATY OF PEACE.

Order of the Day for the Consideration of the General Treaty between Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, for the Re-establishment of Peace, read.

THE EARL OF ELLESMERE: My Lord, I rise for the purpose of inviting your Lordships' assent to an Address of congratulation to Her Majesty in reply to Her Majesty's notification of the peace which has been concluded between this country and our Allies on the one hand, and the Emperor of Russia on the other. My Lords, before I touch on any of the topics to which I may be tempted briefly to advert, in recommending this Motion to what I hope and trust will prove your Lordships' unanimous acceptance, I would ask permission to address myself for a moment to that considerable majority of your Lordships who, like myself, are not old enough to have a Parliamentary recollection of the similar occasions which have occurred within the present century. Fortunately such occasions do not occur every day, and I hope that as great or a greater period may again intervene before any one of your Lordships may have, like me, to advert to topics of congratulation, indeed, but which involve the sacrifices, the sufferings, and the exhaustion of antecedent war. Your Lordships would find on inquiry that the duty I now undertake has usually been allotted, as it is now, not to one of your Lordships, who, from connection with office or from their active participation in public business, are in the habit of speaking with authority in these walls, but rather to one who, having nothing but independence of position to recommend him, must look to your Lordships' indulgence for attention rather than to that deference which is earned here and in the other House of Parliament only by exertions to which I am not equal and talents which I do not possess. I owe it, I think, to Her Majesty's Government, which has invited my services, to state a circumstance which may acquit them, if not of defective judgment, at least of departure from prescription; and I owe it to myself to avoid the possible charge of presumption in accepting a duty which, though I undertake it not without satisfaction, but for that excuse of practice and prescription I should have gladly left to abler and worthier hands.

My Lords, my noble Friend the Secretary for Foreign Affairs has closed his labours, and returning "fraught in either hand with palm and olive, victory and peace," has laid his work on your Lordships' table for better criticism than mine. For my own part, whether I look to the terms of the treaty from which the veil of diplomatic secrecy has lately been lifted, to the protocols which throw much, and, so far as they go, doubtless, faithful light on the manner in which it has been arrived at; or whether I look to both with some reference to former settlements and to the circumstances in which my predecessors in the discharge of my present function have stood, I own that I should have to look very curiously and very fastidiously for any drawback or mitigation of any moment to the satisfaction of which I have spoken, and which I would fain hope to find largely shared by your Lordships. My Lords, I am not here to exaggerate my own feelings, or to misrepresent those of the public in this matter. My own satisfaction I do not intend to describe as that which springs from victories without a check, from successes without sacrifices, or such as might attend one of those great consummations which leave the vanquished enemy at the mercy, at the pleasure, at the discretion of his victorious antagonist. Satisfaction such as France might have felt with the bulletins of Ulm, or Austerlitz, or Jena, is not what I claim from your Lordships, nor is it what I ever expected to gain, nor, I must own, what I am reluctant to forego. I must, my Lords, however, still contend that our reward for great exertions and great sacrifices, though less dazzling in the mode of its attainment and less astounding in its immediate incidents than was the case in 1814 and 1815—though it involve no subversion of dynasties, no sweeping redistribution, still less acquisition of territory—though it leave on the map of Europe little trace beyond one beneficent and not unimportant change—has come up to the mark which we prescribed to ourselves at the outset; is in the main all to which reasonable men looked forward, and more than even sanguine men expected to gain within the time, or anything like the time, in which the issue has been attained. My Lords, I trust, that in expressing these opinions, I am not provoking any desire to pronounce a different decision on the part of any one of your Lordships, and I will not risk doing so by indulging in any strange eulogium or exaggerated statement. Eyes more practised, if not more impartial, than mine will scan the provisions of this settlement; it is fit they should:—for my own part, looking back to the origin of the struggle—to its past vicissitudes and chances to come—I know of no rational expectation, no fair demand, no purpose at once achievable and considerable, which has not been met by one or other of its provisions. I speak for myself, but I am sanguine, that however modified may be the assent, or even however pronounced the dissent, of some of your Lordships to this general view of the subject, I shall not be considered by those who hear me here as having vitiated the moderate and, as I conceive, scarcely exceptionable terms of the Address by the language of intemperate advocacy. Beyond these walls, I am well aware that with a considerable portion of the public considerations have exercised, and may probably continue to exercise, an influence averse to the conclusions I have stated. There is no doubt that England has warmed to a contest which she did not provoke; that difficulty and sacrifice, instead of depressing, have but roused her energies; and that the consciousness of developed strength and unexhausted resources has made her of all the parties to the strife the least disposed to shrink from a further trial of arms. I am, however, convinced that the issue at which, by less violent means, by honest concurrence with a faithful ally, by the demonstration without the actual use of preparation for war, by firmness without menace, and conciliation without weakness, we have arrived is one which, on calm consideration, will bear even the jealous scrutiny which men in the frame of mind I have mentioned are naturally disposed to apply to its conditions, and that it will obtain the approval of the future and unbiassed Hallam or Macaulay.

My Lords, if I look back to the circumstances under which my noble Friend left England for Paris, I might advert to some which materially enhanced the inherent difficulties of the trust which he undertook, and which ought to enhance our appreciation of the success with which he has overcome them. In Count Orloff and Baron Brunow he certainly had a singular advantage of meeting with two distinguished men, both of whom knew him, and the latter of whom knew this country well. They were, therefore, incapable of individually doubting the honesty and good faith which he brought to his task, and that circumstance, no doubt, prevented the negotiations from being impeded by any suspicion of insincerity either on the one side or the other. In other quarters, however—I mean as regarded public opinion on the Continent, and especially in Paris—I believe my noble Friend embarked under a cloud of misconception respecting the mind and policy of England, well calculated to add to the difficulties which he has overcome, and the anxieties from which he is now released. It was very generally imagined—at least it was very industriously circulated — that England, in pursuit of some interest, real or fancied, of her own, was willing or resolved to ignore the substantial offers of Russia; that it was part of the instructions of my noble Friend, by all the subtle devices attributed to that bugbear of continental coffee-houses, "perfidious Albion," to make it impossible for other Powers to accept conditions with which they were satisfied, and to close a strife with which they were comparatively wearied. Your Lordships have not to learn from me that these suspicions were utterly unfounded. Still, there was much to account for and excuse them. The recognition by Russia—which I shall always think a frank and manly one

—of a state of circumstances which forbade her to persevere in armed opposition to the remonstrances of her truest friends and the accumulating power of her antagonists had come, not as such recognitions often come, late, and on sheer compulsion, but had anticipated the expectations of Europe at large, and still more of England. It certainly ran before my own. Here and elsewhere, but here especially, men were slow to perceive and to admit that the untarnished honour of her arms had enabled wisdom and moderation to predominate in her councils. It was the duty of Government, while a prospect remained of a recurrence and continuance of the contest, to take no step and to use no language which should relax our material preparations for the worst, or damp the spirit of the country. It was an inevitable consequence that while, on the one hand, some here misconstrued the conduct of Russia, others should draw false conclusions from the somewhat grim and determined attitude of England. It was hard to believe that a country which had accumulated, not in unapproachable nooks and corners, but in the face of day and the blaze of notoriety, materials for war such as the world had never witnessed, could be sincere in its acceptance of the preliminaries of a peaceful solution. I advert to this, because I am well convinced that my noble Friend had uphill work to encounter at the outset, before he could carry conviction to the minds of all concerned that he was as incapable of accepting the task of acting on dishonest instructions as any English Government, let the party in power be what it may, is of giving them to its representative. Your Lordships now know in what manner and with what amount of success my noble Friend encountered and overcame these and all other difficulties of his arduous task. His success has, at least, been such as leads me to entertain much distrust of a theory very prevalent in this country. It is somewhat remarkable that, while by the continental press England is very usually represented as the type of selfishness and perfidy—as always aiming at and often succeeding in overreaching the innocent diplomatists of other countries—all this time she is as constantly represented by writers of her own soil as the ready dupe and victim of the superior diplomatic capacity of continental statesmen. I know, and your Lordships know, that the first of these theories is erroneous. I think the recent conduct of my noble Friend and his coadjutor (Lord Cowley) throws much doubt on the second. I see no evidence in the documents before me that the innocence of my noble Friend has been practised upon. But, my Lords, I am equally bound to say that I see no proof that the attempt was made. I have no doubt that Count Orloff contended well and manfully for his master's interests; but neither in the documents before us nor from common fame have I gathered reason to believe that he was more capable than my noble Friend of descending to those low and insincere devices which diplomatists are supposed to permit themselves. Those who had personal knowledge of men and things at St. Petersburg, as I have heard, drew favourable auguries from the selection of Count Orloff for his mission. It was, as I believe, justly thought that the choice spoke well for the character and intentions of that young Sovereign for whom, from no fault of his own, the dawn of his reign arose

> "Not in the sunshine and the smile of heaven,
> But wrapt in whirlwinds and begirt with woes."

I hail in that Sovereign the indications of strong will and sound decision which have contributed essentially to the pacification of Europe, and give fair promise of the continuance of tranquillity. I hope that Russia may henceforth present a spectacle which the rest of Europe may contemplate not only without jealousy or mistrust, but with sympathy and satisfaction—the spectacle of a great empire, under the guidance of a strong and able hand, repairing the ravages of war by the arts of peace. It is perfectly true — it is a truism — that the real sinews of war are wealth, science, and civilisation; but it is as true that the cultivation of all or any of these interests has pacific and corrective tendencies, and if we are to act, either as individuals or as nations, on the moral view that every depository of power is to make the worst possible use of it, the world will be less fit to live in than it now is with all its imperfections. I have argued elsewhere, and I continue to hold the opinion, that a single well-directed line of rails would have made Russia more formidable for defence to her antagonists than all the guns, ships, and stores she had accumulated for years together in the Crimea. It requires no great wisdom to know and to feel this; but I am content to take my chance of any misuse which future Czars may make of those additions to her power which accrue, not from without—in the shape of acquisitions by force and fraud—but from within—by good government and industry. I have no right and no wish to act otherwise. The time has been when all nations, without exception—England being, I am afraid, no more an exception than the rest — entertained a contrary principle, and acted on it when they could—I mean the principle that the wealth and gains of one nation are the poverty of another, and the power and strength of one, however legitimate, the weakness of another. My Lords, I think these principles as detestable as they are unsound; and I am happy to think that the whole tenour of the recent legislation of England has been such as to enable me to disclaim and repudiate them. I say, I shall look without jealousy or alarm at the legitimate advancement of which I see promise in the present condition of Russia. Least of all am I jealous on the score of India. Of all the causes of jealousy which have been imputed to us, the apprehensions we are supposed to feel on account of our Indian Empire are said to hold the foremost place. But if there is one thing upon which Englishmen have been more misrepresented than another it is with regard to this imaginary fear for our Indian possessions. I have heard it stated in all parts of the world to which I have travelled that this was the foundation and the real origin of the hostile spirit of this country with respect to Russia. My Lords, on this subject it is not necessary for me to speak, after the language which has been held elsewhere, and which, I think, was worthy both of an Englishman and of the Prime Minister of England. No doubt India has its own difficulties and its own dangers. I do not wish to speak in any arrogant or boasting tone, still less with any insolent assumption of military superiority to our late antagonists.

> "Stetimus tela aspera contra
> Contulimusque manus."

India, I repeat, may have its own difficulties and its own dangers. It is our business to rear new Clives, and Wellesleys, and Goughs, and Ellenboroughs, and Dalhousies to meet them, if need be, in council and in field. But among those dangers a Russian invasion—one, at least, worthy of the name—may be treated as holding no place. I am assuming no innate military superiority—we know the qualities both of the Russian officers and the Russian troops; but we know, also, the vast distance against which any operations against India would have to be conducted. But, supposing such operations possible, and supposing some modern Alexander, emulating his Macedonian namesake, could overcome the difficulties of the journey, I hope and believe he would find on the banks of the Sutlej and in the district of the Five Powers something very different from Porus and his zoological collection. Be this as it may, nothing can, to my knowledge, be more unfounded than the notion that India had anything to do with that strong national feeling which, when the time came, made England ready to draw the sword, and, scorning alike disaster and success, made her unwilling to sheathe it.

My Lords, I have consulted my own feelings in endeavouring to express what I think is justly due to my noble Friend. It is possible that in the course of free discussion he may have to encounter less friendly criticism; but in what I have to say with regard to others I have little apprehension of securing the accordance of your Lordships. In a lapse of time, short, thank God, in comparison with the duration of former wars, but if time could be measured, not by the revolution of the heavenly bodies, but by action and emotion, almost a lifetime, this country has accumulated a debt of gratitude to those who have devoted themselves to its service which I have no words to acknowledge, and the fountain of honour has scarcely rewards to satisfy. I know by report the number of hours which have been elsewhere devoted to the discussion of a single episode of the great struggle from which we are now taking breath. I accept that warning, and your Lordships need not fear from me the infliction of a review, however summary, of the events of the war, nor any attempt at a catalogue of the names which would rise to the recollection of your Lordships. Of those who did their duty, and did it well, in the normal discharge of their profession it is scarcely for me to speak. Of some who did more than their duty—who found or made occasion for the display of their high qualities—such men as Williams and his associates, Nasmyth, the lamented Butler, and Dr. Thompson can derive no lustre from mention or praise of mine. There is, however, one other name among those who have distinguished themselves in the performance of their professional duties which I will take the liberty of mentioning, because it so happened that I ame in contact with that gallant officer and was enabled to judge personally of his merits. I will mention it because the gallant officer who bore it no longer survives, but has died in the execution of his duty, when premature clouds of malignity had darkened his latter days. I do not think the exertions of Admiral Boxer can be overrated. Were he now living I would not have ventured to bring him thus specially under your Lordships' notice. There are other reasons why I should repress, though I do it with difficulty, some expressions of opinion and some statements of what I believe to be fact. There are subjects connected with the vicissitudes of the late struggle of which I know too little, and, pardon my presumption if I add, I also know too much to bring them now under discussion. Among those on which I scarcely trust myself to speak are Lord Raglan's services and Lord Raglan's loss. I am the less disposed to regret any restraint I put on myself in this matter because I know that accident has elsewhere afforded occasion to more than one friend and associate of Lord Raglan to do justice, as far as for the moment is possible, necessarily incomplete, but substantial and solid, to his glorious and lamented memory. Among those witnesses to character — those conservators of that sacred trust, a comrade's fame—was one who, I say it advisedly, next to Lord Raglan, contributed more than any man living in Her Majesty's service to the success of the allied arms and the peace in which we rejoice: I mean Admiral Sir Edmund Lyons. I well know that if he were standing, as I wish he were, in my place here, he would tell your Lordships that through that awful winter of complicated trials, such as no army I ever heard or read of endured and survived, there was one spell which stood between that host and its destruction. That spell was confidence in its leader. From that humble abode—the head-quarters of Lord Raglan—there radiated a moral force, a serene and unquenchable spirit of faith, and trust, and duty, which did resist, and which alone could have resisted, the combined influences of weather, privation, and fatigue, superadded to the constant changes of a defective military position, threatened in front, flank, and rear by a brave, an able, and outnumbering enemy. The spell prevailed; not even discomfiture, far less disgrace—for discomfiture and even destruction under such circumstances might have come without disgrace—fell on the banners of England. My Lords, the agony of that time has become matter of history. The vegetation of two successive springs has obscured the vestiges of Balaklava and Inkerman. Strong voices now answer to the roll-call, and sturdy forms now muster round the colours. The ranks are full, the hospitals are empty. The Angel of Mercy still lingers to the last on the scene of her labours; but her mission is all but accomplished. Those long arcades of Scutari, in which dying men sat up to catch the sound of her footstep or the flutter of her dress, and fell back on the pillow content to have seen her shadow as it passed, are now comparatively deserted. She may probably be thinking how to escape, as best she may, on her return, the demonstrations of a nation's appreciation of the deeds and motives of Florence Nightingale. I am sure that, while, from Balaklava and Kadikoi to the ravine of the Tchernaya and the heights of Inkerman, England's renovated battalions are shaking the earth with their tramp, and extorting alike from constant Allies and former foes that ungrudging admiration which true soldiers love to feel even for "foemen worthy of their steel"—amid that pomp and circumstance of war's display without its terrors, and the interchange of hospitalities between reconciled antagonists, *surget amari aliquid.* There will be a bunch of myrrh in the festival goblet when the cup is fullest and the revel is at its height, which will make the draught bitter but wholesome. There will be a thought and a sigh for one who should have been there. They will miss among the crowds of officers of many nations the armless sleeve, the noble form which in the hour of battle they had never far to seek—that countenance which by its winning expression was in itself a passport to the soldier's heart. Yes, there will be a thought and a sigh for him who first planted our banner in the Crimea, and whose undaunted courage, whose military skill sustained untarnished the military honour of England, and but for whom, as I devoutly believe, the graves on Cathcart's Hill would have been now, like the *tumuli* which record in that country the reign of extinct dynasties and forgotten sovereigns, the sole memorial of the early successes and the disastrous catastrophe of an English army. The noble Earl concluded by moving—

"That an humble Address be presented to Her Majesty, to return to Her Majesty the sincere

Acknowledgments and Thanks of this House for the important Communication, which Her Majesty has been graciously pleased to make to this House, of the General Treaty concluded at Paris on the 30th of March, between Her Majesty, The Emperor of Austria, The Emperor of the French, The King of Prussia, The Emperor of Russia, The King of Sardinia, and The Sultan, by which Peace has been re-established between Her Majesty, The Emperor of the French, The King of Sardinia, and The Sultan, on the one hand, and The Emperor of Russia on the other:

"To assure Her Majesty, that while we should have deemed it our Duty cheerfully to afford Her Majesty our firm Support, if it had unfortunately been found necessary to continue the War, we have learnt with Joy and Satisfaction that Her Majesty has been enabled to re-establish Peace on Conditions honourable to Her Majesty's Crown, and which fully accomplish the great Objects for which the War was undertaken:

"To express to Her Majesty the great Satisfaction which we feel at finding that, while those Alliances which have so mainly contributed to the vigorous and successful Prosecution of the War have been equally effective in the Consolidation of Peace, Powers which have not taken an active Part in the War have combined with the Belligerents to give additional Firmness to the Arrangements by which the Repose of Europe is in future to be protected from Disturbance:

"To state to Her Majesty, that we rejoice that notwithstanding the great Exertions which the late War has rendered necessary, the Resources of the Empire remain unimpaired:

"To express our Hope, that the Peace which has now been concluded may, under the Favour of Divine Providence, long continue to shed its Blessings over Europe, and that Harmony among Governments and friendly Intercourse among Nations may steadily promote the Progress of Civilisation and secure the Welfare and Happiness of Mankind."

LORD GLENELG: My Lords, in rising to second the Motion, I feel that I address you at no inconsiderable disadvantage after the eloquent speech, full of pathos and of sound principles of political science, which we have just heard from my noble Friend; but I trust that you will accord to me the indulgence of which I stand in need. I join with my noble Friend in expressing my delight that the period has arrived when we can thank Her Majesty for the communication of this treaty. I was one of those who, two years ago, approved the reluctance with which the Government of that day entered upon this war. Convinced as I was of the justice of the war, I was yet glad that they were slow to enter upon it; and I rejoice now to be among the first to welcome the conclusion of hostilities and the return of peace. When we consider what war is and what peace is, it requires some coolness of judgment to contemplate calmly the absence of war and the revival of peace. It is not, however, by our feelings alone that we are to be guided on such occasions as this. Great as are the evils of war, there are evils still greater; great as are the blessings of peace, there are blessings for which these ought to be willingly sacrificed.

My Lords, the question before us, as my noble Friend has said, is, whether, speaking generally, the objects of the war have been attained—whether its conditions have been fulfilled by this peace? I need not dwell on the general reasons which justified the war; but I may say that, if we consider the state of Europe as it was two years ago and as it is at the present moment, we shall find sufficient cause to congratulate Her Majesty on this great truth, that all the conditions of the war have been satisfied, fully and honourably, yet without insolent exultation, and without contempt of the rights and feelings of other nations. The real test is, what were the evils we meant to redress, what the evils we meant to avert, and what has been the result? Look at the state of Europe two years ago. Russia was then in possession, either personally, if I may so apply the expression, or virtually, of the greater portion of Germany. Russia with all her native grandeur, exaggerated by the imaginations of men, and surrounded with all the *prestige* which diplomatic skill, talent, and great wealth could throw around her—Russia at that time exercised over the greater part of continental Europe a mesmeric influence, which extended into Asia, and overshadowed even our Indian Empire. What was then the condition of the several countries of Europe? All Germany overawed or paralysed by the supremacy of Russia; Sweden gradually entangled in her meshes; the Principalities in her grasp; the waters of the Danube under her seal; the Black Sea hedged round by her fortresses and loaded with her navies; Turkey at her feet—not yet, indeed, reduced to the last gasp, but already condemned by the sentence of mortal disease which her powerful neighbour had pronounced. What do you see now? The spell broken. Germany awaking from that trance and beginning at last to show some symptoms of conscious existence. Sweden released, the Principalities rescued; the Danube free, the Euxine free, the Ottoman Empire free. The spell is broken. But, my Lords, there is more reason for congratulation even than this. The conspicuous characteristic of the treaty which has been concluded is the moderation which has been displayed by the belligerents. The two belligerents who commenced the war have, as to that treaty, been swayed by no sordid or personal desires of aggrandisement, by no vulgar ambition. Throughout its stipulations there is not one which can be called of a private character—they are all national, all European, all public, all belong to the world. We remember, my Lords, that when France and England entered on this war they announced to the world that it should not be followed by any personal aggrandisement. Some persons very naturally were disposed to regard that declaration with suspicion. Such announcements from kings and statesmen have too frequently been the preludes to acts of rapacity and spoliation. On this occasion, however, that pledge has been honestly redeemed, and I say that its redemption is the most satisfactory characteristic of the treaty.

There, is, however, yet another subject of congratulation—not, indeed, in the articles of the treaty, because it relates to the internal affairs of Turkey, but in that instrument which is in a manner incorporated with the treaty and is surrounded by its sanctions—a document which interests all Christendom—I mean that by which the Sultan has accorded civil and religious equality to all his subjects, Christian and Mahomedan. That alone would almost have justified what we have done, and it imparts a species of sacredness to the conditions of the treaty. For the first time the Sultan has recognised the rights of conscience and the rights of man. All honour and praise are due to that monarch for having crowned a long series of beneficent acts with this great charter of the liberty of his Christian subjects. Praise be to him, and honour to all those who have in any way contributed to this good work; honour especially to that eminent man by whose wisdom, and unwearied efforts, and distinguished talents, this triumph has been accomplished—I mean our Minister at Constantinople. My Lords, it is impossible to express any hope for Turkey without mentioning the name of Lord Stratford. It is to his efforts, his zeal, and his high principles, that we owe it, that we can number this among the results of the war; and warmly have the exertions of Lord Stratford been appreciated by those best able to judge. There is among the papers on your Lordships' table, an address from the missionaries of various religious societies of England and America stationed at Constantinople. It is one of the ablest and most eloquent documents that was ever penned, evidently proceeding from the hearts of the writers. After describing by what able means Lord Stratford has obtained the great object of the emancipation of the Christians in Turkey, they offer up their prayers that he may for many years be spared to that country, because, as they assert, all the wisest measures which have, during the last thirty years, been adopted by the Porte have been the results of his personal influence and advice. All praise is also due to those Sovereigns of Europe who have cordially ratified this treaty, thus giving their assent to the principles and the policy on which it is founded, and, having thus introduced Turkey into the European system, have cast round its stipulations every guardianship which the policy and the good faith of Europe can supply. We have fenced them round with the vigilance and watchfulness of European statesmen, with the might of European armies, and with the sanctity of religious obligations. I venture to say that this is a treaty which, looking at it generally, must command the approbation of your Lordships and of the country. But, my Lords, I should be unjust indeed if, in alluding to the treaty, I did not add my humble tribute to the praise which my noble Friend has so eloquently bestowed upon the Government of this country. In the presence of my noble Friend (the Earl of Clarendon) I must, I know, restrain in some degree the feelings which I wish to express; but, in justice to my own position, I am bound not altogether to abstain from their expression. I say, then, that great credit is due to the Ministry of this country, and especially to those Members of it who have been by their position most concerned in the negotiations and the treaty—to the Prime Minister who, called to his high office under peculiar circumstances by the unanimous voice of the people, has gloriously answered to that call—and to the Secretary of State for Foreign Affairs, I am persuaded that we owe this treaty—the advantageous conditions which it contains, and the whole spirit which runs through it, in no small degree to the personal character, to the manners and general bearing of my noble Friend (the Earl of Clarendon). Before he took his departure for Paris, my noble Friend told us, in this House, that he would endeavour to make a peace which should be honourable to all and humiliating to none, and well as he carried out that declaration. That speech resounded throughout Europe, and I believe that the impression which it made contributed mainly to the successful termination of his labours.

My Lords, I agree most cordially in the observations of my noble Friend who has just sat down (the Earl of Ellesmere) respecting the conduct of the people of this country during the war. From the treaty itself we are naturally led to consider those who have contributed to its conclusion not by negotiation in the Cabinet, but by gallantry in the field, and by patience and liberality at home. I cannot but express my admiration of the noble attitude which the people of this country have presented during the two years of war. When the war commenced it was supposed that we were so enfeebled by luxury, so devoted to the acquisition of wealth, as to be unable ever again to recall our ancient valour or to rival the former glories of England. It might have been true that we had to a great degree given ourselves up to the arts of peace, but it was not true that these had in any degree affected our national character; on the contrary, there never was a period in the history of this country so full of great exertions, of self-denial, of the pursuit of great objects at great sacrifices, of the development of every art relating to social life, as the thirty years which had elapsed since the termination of the last war. Under the appearance—perhaps the partial reality—of luxury, there were as high principles of duty at work as ever animated the hearts of Englishmen. Those sterling virtues which during that period were silently engaged in strengthening the hearts of the people, in teaching them sound principles, in elevating their character, and in enlightening their minds—all those efforts of great and good men in every rank, many of whom have now passed away—were deeply planting the materials from which have ultimately sprung those mighty results which have been seen by all Europe with admiration, and which are now crowned by the conclusion of an honourable and satisfactory peace. The people of this country, devoted indeed to the arts of peace, were yet deeply alive to the call of justice and humanity, and from one end of the country to the other the demand of justice and humanity was answered by one universal voice. This war was peculiarly the war of the people; they threw themselves into the lists regardless of consequences, and, joined to noble Allies, resolvèd never to cease from the war until its objects were obtained. If that period excite admiration, what must be our admiration at the subsequent attitude of the country? No eulogy can be too great for the qualities which were exhibited during the summer and winter which followed the commencement of the war. The winter of 1854–55 is one of the most glorious periods recorded in the annals of England. The most powerful demands were made upon the greatest virtues which belong to man's character. In the field, in the hospital, in the trenches, gallantry, self-devotion, noble heroism—

> ——" the better fortitude
> Of patience and heroic martyrdom,"

were all gathered together and exhibited to the world in the ranks of the British army. At home the nation was not idle or indifferent. We all know how the springs of sympathy were unlocked, how every heart and every head was at work to furnish supplies of every kind to our soldiers in the Crimea. We know how all ranks, from the throne to the cottage, vied in efforts to minister to the wants of our fellow-countrymen, and how from the lap of luxury, from the retreats of unpretending virtue, from the bosom of domestic happiness, the fair, the young, the tender, the refined, hastened to the seat of war itself to carry consolation to the sick, the wounded, and the dying. But this was not all. In the spring of last year negotiations for peace failed, and it seemed as if the war was to be protracted for a long period. New burdens were to be imposed, new sacrifices to be required, new miseries to be endured. Then it was that strong nerves began to tremble and stout hearts to falter; but did the people of England waver? Never. They had nailed their colours to the mast, they had chosen their lot, and they were determined to carry the contest to an honourable issue. Nothing can excel the solemn but noble attitude of the people of England at that moment. There was no noisy invective, no factitious excitement, but a determined resolution arising from a consciousness of right and of power—a resolution that they never would be baffled. Neither have they been baffled. It was impossible to mark the conduct of the people at that period and not to see that the fate of Sebastopol was sealed.

At that juncture Sardinia joined the Allies. Let that never be forgotten. In extent and in resources Sardinia is not among the first Powers of Europe, but she did not hesitate to enter into the lists with us, though greater Powers shrank from our side. With her admirable army, with her people faithful to their Sovereign because he was faithful to them, with the single free constitution in Italy, she did not scruple to enter into those bloody lists, though she was fully aware of the desperate nature of the contest, and had seen that the task was one which had put to the stretch the energies even of this great country. At that time unexampled calls were made upon the resources of this country. Let it never be said that a constitutional Government is unequal to the hard exigencies of war, or that it is deficient in energy and rapidity of action. However our military system may have been relaxed during the time of peace, when the call was made there perhaps never was before seen such a rapid creation of great forces, so wonderful an application of the multiplied powers of science to the purposes of war as between Christmas, 1854, and Christmas, 1855. New power seemed to be given to this country, and new armies and navies seemed to spring up as if by magic.

But, my Lords, it is not alone to our own army and to those of our Allies that praise must be rendered. When history tells of the famous leaguer of Sebastopol, she will tell not merely of the armies of France, Sardinia, and England, but of those who were within the walls of Sebastopol. She will tell of the matchless intrepidity of the Russians, of their unfaltering courage, of their patient endurance, of the science of their engineers, and of the bravery and consummate skill of their generals. It is pleasing thus to be able to speak of those who have been our enemies, and I know the people of this country would have been willing to pay them this tribute had they still remained our enemies. But they are no longer our enemies. With the exception, perhaps, of one or two instances, the Russian soldiers of all ranks, particularly those of the superior ranks, and indeed all Russians of the higher ranks, have displayed a gallant courtesy and a generous feeling for their enemies which entitle them to the highest applause. It will be long remembered—that beautiful example of generous sympathy shown at the commencement of the war by an illustrious lady, the lady of General Osten Sacken, to the mother of the young midshipman who died of his wounds when the *Tiger* went ashore near Odessa and was captured. From that act down to the closing scene of the war—the interview between General Mouravieff and General Williams—the same generous feelings softened the horrors of war; and in that interview, how admirable was the chivalrous conduct of the Russian commander!

But, my Lords, when we speak of chivalry, I am naturally led to that great nation which has been our companion of the war, and whose armies have in all ages been eminent for that noble quality. With that great nation we have, unfortunately, been too frequently in a state of hostility, but henceforward, I trust we shall enjoy perpetual friendship. Nothing can be more noble than the manner in which France and England joined together to resist an attempted aggression—their past animosities vanished in a moment—they became brothers in arms, brothers in sufferings, brothers in military labours and in the victories of war, and I trust that they may now continue brothers in the more glorious victories of peace.

The confederacy between France and England will be memorable in history. Confederacies are proverbially frail. They carry within themselves the seeds of their dissolution. It is true that when one mighty Power coalesces with an inferior Power, the undisputed supremacy of the greater Power may preclude the evils and dangers of divided command; but even here there are risks of disagreement and disunion. But in cases of coalition between equal Powers, those risks become more numerous and far greater, and rarely do such coalitions hold long together. There is, indeed, a splendid instance of a confederacy between two great and equal Powers which worked as harmoniously as if it had been under the guidance of a single mind—that under Marlborough and Eugene—but there the genius of two great men mastered the evils inherent in a coalition. When one mighty Power coalesces with an inferior Power, there is then the acknowledged supremacy of the former, which precludes the evils of divided command; but it has its peculiar risks of disagreement. Even when the confederate Powers are of more equal rank, though such an alliance, as in the case of Marlborough and Eugene, may be successful, it is usually sustained by the genius of the great men who command. In the present instance, France and England, two nations equal in power and renown, and European position, combined in a course of united action, for a great purpose. Great armies and great fleets were to be put in motion, but the generals and admirals were to be separate, and yet these forces thus combined and thus separate, were to stand "front to front, against one will supreme, independent, irresponsible, and that the will of a mind of vast capacity and gigantic aspirations, and the absolute master of millions of brave, intelligent, and disciplined, soldiers." Such were the odds against which this confederacy had to contend, and under unexpected difficulties, too, because unforeseen delays occurred, severe sufferings were endured, disappointments took place, all calculated to multiply the embarrassments and bring forth the weaknesses of a confederate action. And yet success was the result. What was the secret of that success? First and foremost, the purity of your motives so disinterested as to elevate the alliance above the range of petty discords and vulgar animosities. The next cause of our success was the loyalty and good faith, at home and abroad, of those by whom affairs were conducted. But something more was wanted to effect what purity of motive and loyalty and mutual confidence could not by themselves effect, and that was a wise and well-judging mind to direct the policy of the war. You must select one great paramount object; the importance of which should be such, that its acquisition should at once decide the final issue of the whole contest. And that was the principle on which you proceeded. Thus, and thus only, could the combination of the two nations in one common bond be assured. You bound together the different wills of the two nations to one common end and one common endeavour, and entwined all their hopes and councils and interests with one enterprise; you thus gave compactness to their alliance, and thus gave it the power which enabled it to cope with the supreme and single will of your antagonist. I say it to the honour of my noble Friend near me (the Earl of Aberdeen) who then was at the head of the Administration, that the paramount object was selected wisely and well. But it was not enough to select wisely—you were also to adhere to it firmly. In spite of difficulties and dangers, the fixed object, the fall of Sebastopol, must be followed up with pertinacious fidelity. You could not, indeed, have unity of command, but thus you had unity of purpose, and no collateral enterprise of the moment, however interesting, no temptations or inducements, no prophecies or menaces must be allowed to divert your mind from that object. All praise is due to those military and naval officers who, on the 14th of last June, were assembled in General Simpson's tent to decide upon a plausible proposition made by an eminent general, for the despatch of some troops to a different destination. They felt that the success of the cause they were engaged in was centred in the fall of Sebastopol, and they refused to yield to any arguments for the diminution of the force before that stronghold. They knew that the crisis of Sebastopol was approaching; Pelissier, in persisting in that refusal, even after the fall of Sebastopol, proved how well he had studied his profession, and the opinions and the conduct of great commanders, both ancient and modern; he showed how well he had profited by being trained in that great school of war bequeathed to France by the great Napoleon—or, I should rather say, by the first Napoleon, for the epithet is now no longer distinctive as applied to that name. He knew that for an army there is no moment more critical, perhaps, than the moment of success, when exultation and self-confidence are likely to lead to a relaxation of vigilance. History abounds with instances where victory has been from this over-security torn from the conqueror at the very moment of conquest. I must also add, in reference to this part of the subject, I honour the French Emperor for the course he pursued. He did well in referring that question to the Marshal, and well did the Marshal justify the confidence of his Sovereign.

My Lords, one very satisfactory part of this treaty and the papers connected with it is, that, besides the advantages which the stipulations and engagements entered into by the contracting parties confer at present, they contain the promise of much future good, the development of which must be productive of important results. Look, for instance, at the well-earned and honourable place which Sardinia now occupies among the nations of Europe. Look at the admission of Turkey into the pale of European States, and the incalculable consequences of such a measure. Above all, look at the union between France and England, and, knowing the misery which war brings and how the advance of arts, science, and civilisation is retarded by it, tell me, if you can, what may be the possible consequences of this union, which I trust will continue unbroken. If it does so continue, it will not be stationary. It will from day to day acquire new strength, and produce ever increasing accessions to the cause of civilisation and happiness. I believe that this treaty will be beneficial to all the parties concerned, and I am glad to think that it will also be beneficial, and not least beneficial, to Russia herself. We have no hostility to Russia now, and we remember our former friendship with that country. We lament the interruption of that friendship, and delight in binding up the wounds which war has inflicted. I hope and believe that Russia, remaining a great Power, will enhance her greatness and fill the position to which she is entitled. The present Emperor of Russia has already won the esteem and regard of Europe. He has shown, as had been already noticed in this House, by his recent conduct, great moral courage, humanity, and a just estimate of the interests of his people. A magnificent career of usefulness is before him, and I trust he will steadily pursue that course which he seems determined to take, and, if so, I am sure he will obtain a glorious reward in the improvement and happiness of his country, and in the love and admiration of all Europe. With these sentiments I most cordially support the Address to the Crown.

The Earl of MALMESBURY: My Lords, I am sure that your Lordships must begin to wish to hear something about the treaty we have been invited to discuss by the noble Lords; for, although it was impossible for us to have heard more eloquent speeches than those which have just been delivered by those noble Lords, I doubt—without any discourtesy to them—whether one of your Lordships now knows anything more about the treaty than he did when he entered the House. Upon an important occasion like this I should be very unwilling to raise any small objections, but I cannot help observing that Her Majesty's Government would have acted more fairly, and more in accordance with the custom of Parliament, if, at the time or immediately after they placed the treaty on your Lordships' table, they had also laid before your Lordships the Address which they intended to move. It was not until Friday evening that we received copies of the Address, so that if we had wished to move any Amendment upon it, in which we had desired to have the support of the whole body of our party, it would have been impossible for us to obtain it. It might have so happened that the reason for this delay was, that the Address would be framed in a perfectly unexceptionable manner; that it would be what my old friend Baron Brunow used to call *une addresse inodorée*—an Address perfectly devoid of salt or savour—that might have been presented from any quarter. But, far from proposing an Address of that kind, I am sorry to say that Her Majesty's Ministers, carried away, perhaps, by the feeling of the moment, have made use of language so exaggerated that I, for one, cannot concur in it.

Her Majesty's Ministers have instructed the noble Lords who began this conversation to recommend your Lordships to assure Her Majesty that—

> "While we should have deemed it our duty cheerfully to afford Her Majesty our firm support if it had unfortunately been found necessary to continue the war, we have learnt with joy and satisfaction that Her Majesty has been enabled to re-establish peace on conditions honourable to Her Majesty's Crown, and which fully accomplish the great objects for which the war was undertaken."

I cannot concur in this strong language. I may observe, in passing, that if the noble Earl who moved the Address, and who is so well known as an elegant writer, had drawn up this article, he would not probably have called upon your Lordships to express your "joy and satisfaction" on the re-establishment of peace, but would have made the "joy" the climax to the "satisfaction," instead of making "joy" merge into "satisfaction." But, waiving such criticisms, I cannot follow the noble Earl in recommending your Lordships to make use of these words at all;—I do not think that the treaty warrants us in expressing our joy, or even our satisfaction. Further, so far as I understand what were the objects of the war—and I confess I do not clearly understand them, inasmuch as they have never been clearly explained by Her Majesty's Ministers—I deny that they have been fully accomplished by this treaty; and I should, therefore, respectfully advise your Lordships to leave out from this article the words "joy and satisfaction that Her Majesty has been enabled to re-establish peace on conditions honourable to Her Majesty's Crown, and which fully accomplish," in order to insert the words, "satisfaction that Her Majesty has been enabled to re-establish peace upon conditions which have appeared to Her Majesty and her Allies adequately to effect the great objects of the war." Whether or not I shall press this Amendment to a division depends upon the feeling that may be manifested by your Lordships during the debate. I have no wish to divide upon any Motion hostile to the Government, but I have a strong desire to record my decided opinion with respect to the treaty. We are not now met to discuss a question the decision of which must depend upon our votes; we are invited by the noble Earl the Secretary for Foreign Affairs to consider a treaty which we cannot alter, but which Her Majesty, in accordance with her undoubted prerogative, has entered into with other European Powers.

My Lords, before I refer to the treaty for the purpose of pointing out the parts which do not fulfil the objects of the war, it will be necessary to tell your Lordships what those objects were; and the best, in fact the only, authority on that point is the authority of Her Majesty's Ministers. I hope your Lordships will therefore pardon me if I quote a few passages from the debates of this and of the other House, in order to give you some information as to the opinions of Her Majesty's Ministers with respect to the objects of the war. On the 24th of February, 1854, the noble Earl the Secretary for Foreign Affairs said:—

> "It might be very desirable or very just to take from Russia and to restore to the countries from which they had been taken various territories which Russia had taken from other countries; it may be very just and desirable to make Russia pay the cost of the war; but, my Lords, it is impossible that we should take any resolution upon any of these subjects without knowing with what skill and with what success the war will be conducted, or what will be the position and circumstances of the Emperor of Russia at its conclusion."—[3 *Hansard*, cxxx. 1230.]

This was a complete truism. Events have succeeded my noble Friend's speech, and this treaty has been framed entirely in consequence of these events, which have, to say the least of them, been very unfavourable to our Allies and to ourselves. My noble Friend continues—

> "But, my Lords, as we are about to undertake it, and as we have been forced into it against our wish, I say that it ought to be settled, and firmly settled, once for all. I can assure your Lordships that it is the purpose of every man who directly or indirectly will take part in this war, and that it is the purpose of Her Majesty's Government, so far as the course of events will permit, to do that which is necessary for the future security and tranquillity of Europe to check the aggressive and ambitious power of Russia; I say it will be necessary to take solid guarantees that Europe shall not be again deprived of the great blessings of peace."—[*Ibid.* 1231.]

It will be my duty to show, if I am able, that solid guarantees have not been obtained by the documents now presented to the House. On the 31st of March, 1854, my noble Friend said—

> "I trust that at the close of this struggle we shall find them—Austria and Russia—by our side re-establishing peace upon a solid and secure foundation; but that peace, my Lords, will be neither solid nor secure unless the territorial extension and the immoderate influence of Russia be repressed and for ever limited."—[3 *Hansard*, cxxxii. 152.]

I shall endeavour to show that the territorial extension of Russia has not been much repressed, and that her immoderate influence, if she chooses it to be immoderate, has not been removed. On the 12th of December, 1854, Lord John Russell said—

> "I believe no peace will be safe for Turkey—I believe no peace will be honourable to this country, which left Sebastopol in the same menacing position in which it had been of late years before the war."—[3 *Hansard*, cxxxvi. 219.]

[*Cheers from the Ministerial Benches.*] I understand the meaning of those cheers; but I think I shall show that if Sebastopol is not literally in the same position—if the same stones do not still stand upon others in the same manner as formerly—it is, politically speaking, very nearly in the same position as before the war. On the 19th of December, 1854, Lord Palmerston said—

> "We have engaged in a great war against a great Power, with great exertions, and for great objects; and it does not become this country—it is not either to the interest of this country or the honour of this country—that we should end that war by small and ineffectual results; we ought to have a result adequate to the sacrifices we have made, and in conformity with the interest and dignity of this country."—[3 *Hansard*, cxxxvi. 589.]

Let us now proceed to examine the treaty, and to inquire whether the hopes expressed by the Government with regard to the results of the war have been fulfilled. The first two Articles appear to be merely preamble, but in the third occur the words "the town and citadel of Kars."

I am anxious at this point to give your Lordships an explanation. I have been taunted in another place by no less a person than the Prime Minister with having shrunk from my pledge to this House, and with not having brought forward a Motion of which I had given notice on this subject, because I was afraid of being defeated. Those who know the customs of this House will, I hope, do me the justice to say that, if I consulted your Lordships' convenience and the propriety of debate always studied here, it was necessary that I should withdraw my Motion on Friday last. On Tuesday week the noble Earl appeared here for the first time after his return from Paris. It is the custom of the House never to give less than a week's notice of a Motion upon an important subject, and I was not able to give any notice until Thursday. I should then have brought forward the Motion upon the following Thursday, but that, unfortunately, was Ascension-day, and the House did not sit. By that time the noble Earl had placed the treaty upon the table, and it would have been impossible for me to thoroughly discuss the circumstances of the war in Asia Minor without referring to that important Article of the treaty in which Kars was mentioned. I hold that it is the duty of every Member of Parliament, if he thinks the Government in the wrong, to point out the faults they have committed, without the slightest reference to divisions. That is especially the duty of the Opposition; besides, looking at it as a mere question of tactics, it is a great advantage to them to discuss questions upon which they are convinced that the Government are in the wrong, in order to inform the country of their opinions, by which means they may possibly convert a majority of the country to those opinions.

The Articles of the treaty to which I shall first refer are the 3rd and 4th:—

> "Art. 3. His Majesty the Emperor of All the Russias engages to restore to His Majesty the Sultan the town and citadel of Kars, as well as the other parts of the Ottoman territory of which the Russian troops are in possession."
>
> "Art. 4. Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the King of Sardinia, and the Sultan engage to restore to His Majesty the Emperor of All the Russias the towns and ports of Sebastopol, Balaklava, Kamiesch, Eupatoria, Kertch, Yenikale, Kinburn, as well as all other territories occupied by the allied troops."

Is there anybody in this country who has the common knowledge that would enable him to change a gold sovereign into twenty shillings, or conduct any simple negotiation of that kind, who will say that the town and citadel of Kars are an equivalent for all those forts and fortresses restored to Russia? Take the first. Sebastopol, the scene of all our disasters and of all our glories—the scene of all our hopes and disappointments, our misfortunes and victories—the goal for which we contended for nearly two years—is restored to Russia in exchange for the town and citadel of Kars. Will anybody say after that that the loss of Kars has had no influence on the negotiations at Paris or on the conditions of peace? Why, the mere juxtaposition of the two Articles proves that such was the case, and so completely did at least one of our Plenipotentiaries feel the objection which I now state that, as I read in the protocols, Lord Cowley protested against the conjunction of the two Articles on the ground that it would appear as if the belligerent Powers were making an exchange, whereas in exchange for the forts and territories occupied by the allied armies Russia had consented to the rectification of her frontier with European Turkey. But Lord Cowley was immediately repressed and suppressed, for the matter was not afterwards referred to in the Conferences; the Articles appear following one another in the treaty, and therefore I think we are entitled to assume that there has been an exchange of all the fortresses I have mentioned for the town and citadel of Kars. The treaty goes on to declare that neither Russia nor Turkey shall establish or maintain any military-maritime arsenal on the shores of the Black Sea. There is no exact definition of what that term means, and I should be glad to hear from the noble Lord opposite an explanation of its true import. But I conclude it means that there are to be no docks in which men-of-war may be built and armed. Sebastopol, then, will have no war-docks; its docks will not be restored, and no men-of-war will be built there. But here is nothing in the treaty to prevent the northern forts of Sebastopol being maintained in their present impregnable strength—nothing to prevent the Russians again fortifying their hills and raising another Malakhoff with even greater power than before—nothing to prevent them constructing immense stone fortresses heavily armed on the shores of the Black Sea, facing the Turkish Empire, and certainly finding no rival on the opposite side. When once such a fortification is rebuilt—say at Sebastopol—the treaty may be observed within it or it may not, but that fortress will remain impregnable for ever, and we must all know that, whatever circumstances may happen, it can never again be wrested from the hands of the Russians. I assume that these fortresses may be rebuilt; else let the noble Earl the Foreign Secretary say that they may not. But Sebastopol is not all that we give in exchange for Kars. We give Balaklava, an excellent harbour, which the Russians from past experience will not allow to fall into our hands a second time; we give Kamiesch, which has been admirably fortified by the French; we give Eupatoria, which has been strengthened by ourselves; we give Kertch, in the same position; Yenikale—I do not know whether it is to be rebuilt or not; and Kinburn, a place of considerable strength. All these are given in exchange for the town and citadel of Kars, with the province in which Kars is situated, and the only portion of the Ottoman territory occupied by the Russians. But our liberality, or weakness, does not stop here; for what becomes of those many forts along the Circassian coast which the Russians were obliged to abandon, and the abandonment of which at last gave peace and liberty to that noble people, the Circassians? It has been stated by the Prime Minister in another place that the Russians are to resume possession, and if they please rebuild and garrison them. In plain English, my Lords, we have deserted the Circassians; we have left them to a dreadful and a certain fate, after having begged for their assistance and, let me add, benefited by it to a very great extent. [*An ironical cheer from* Lord PANMURE.] Notwithstanding the cheer of the noble Lord the Secretary for War—who, let me say in passing, is not the first authority I should take upon hostilities in Asia Minor —I repeat that we have benefited by the assistance of the Circassians, because, in 1854, when the Russian general had gained two victories over the Turkish army, and was entering Anatolia, it was the inroad of Schamyl upon Tiflis that compelled him to retreat, and prevented him from following up his advantages during the whole of that spring and summer. But no wonder that the noble Lord and his colleagues have deserted the Circassians, when they have already forgotten their obligations to them. Even, however, if the Circassians had been unable or unwilling to assist us as we wished, what were the causes of that backwardness on their part, or how were we to be excused for abandoning their interests in the treaty after having excited them to aid us in the war? On the 26th of June, 1855, Lord Palmerston stated in the other House that there were no relations subsisting between Her Majesty's Government and the Circassian chiefs until those arising out of their co-operation in the attack upon Anapa. Mr. Baillie immediately got up and inquired, if the statement of the noble Viscount were correct, in what capacity Colonel Lloyd was sent to Circassia in the previous year, at a salary of £2,000 per annum? The noble Lord replied that Colonel Lloyd had gone to Circassia to open a communication with the people and ascertain to what extent and upon what terms their co-operation with us could be obtained. Is not that inciting them to assist the Allies and direct their arms against Russia? If afterwards their support did not come up to what was expected, it arose very much from the mistakes and blunders of our own Government in conveying arms to that country; and because they did not assist us as much as we wished they are forgotten entirely—they are not noticed in the treaty—only one observation, which had no effect, is made on their behalf by the first British Plenipotentiary, when he protests against the restoration of those forts, and the word "Circassia" is not found in the protocols. I am afraid that the noble Earl opposite will stand in history in the same category with those politicans who, many years ago, deserted the liberties of other free countries when they had an opportunity of saving them. I cannot believe, knowing as I do the generous spirit of the noble Earl, but that he did strongly desire to save the Circassians from perdition, and that he was restrained by circumstances which we do not know and which, perhaps, he dare not tell.

Well, great stress will, of course, be laid upon the neutralisation of the Black Sea, and I confess—as I said when the Vienna Conferences were going on—that of all the modes of settling that question, the neutralisation of the Euxine—the making it a purely commercial sea—is, in my judgment, the best. But are we quite safe in the arrangement which we have made? Was there no *arrière pensée* in the minds of those who took part in the negotiations at Paris? I am not entirely satisfied with the answers given to the first British Plenipotentiary upon this point. It is clear that Russia and Turkey are respectively to maintain only six ships of war of a certain size in the Black Sea. The Russian Plenipotentiaries claimed great credit for making what they called such a concession; but it is not a concession on their side only. Turkey, who had the right of navigating the Black Sea, makes a similar concession, and, therefore, the Russian Plenipotentiaries had no right to claim any praise upon that score. But I observe from the protocols that the suspicions of our first Plenipotentiaries were roused, for I find him asking with evident anxiety whether the transport vessels which, it appears, the Russians may build *ad libitum* would be armed? I do not wonder at the jealousy of the noble Earl; but I should like to know how that question was finally settled, because, in answer to the noble Earl's observation, Count Orloff replied that, like all the transports employed by the Powers in other seas, the transports of Russia in the Black Sea would be furnished with an exclusively defensive armament, suitable to the nature of the service for which they were required. The noble Earl (the Earl of Clarendon), said the protocol, not considering that he would be justified in admitting this explanation, the consideration of the question was adjourned; but it seems to have been adjourned *sine die,* for the subject does not appear to have been alluded to again in the protocols. I should like to know from my noble Friend how the matter ended. The suitable armament for these transports may be only one gun, but that may be a very large one, and the transports may be ships of 1,000 tons or of 3,000 tons; they may lie in the impregnable harbour of Sebastopol, whence they may hereafter issue, when they please, to make a descent upon any part of the Turkish coast. It is our duty to consider all possible contingencies, and that is not a very remote one. I think, then, it cannot be said that the objects of the war are fully accomplished if Sebastopol may be rebuilt more strongly than before, and if its harbour may be filled with transports sufficiently armed to defend the troops on board and to convey them to any part of the Black Sea. Unless we can believe that this question of transports was settled in accordance with the views of the Foreign Secretary, it is impossible to say that the objects of the war have in this respect been fully accomplished.

The Earl of Malmesbury

There is another question, also, with regard to which the Russian Plenipotentiaries seem to have acted with great expertness. My noble Friend opposite asked some awkward questions about Nicholaieff, and he was told that as that port was not on the Black Sea, but a considerable distance up a Russian river, the maritime-military arsenals there might be continued; but Count Orloff added, as a great favour to my noble Friend, that he had no objection to promise that no larger ships than those described in the treaty should be built at Nicholaieff, and that he was also ready to consent that two line-of-battle ships now at that port should be sent round by the Bosphorus to the Baltic. The noble Earl asked for the only security for the fulfilment of this promise that he probably thought he could obtain—namely, that it should be entered upon the protocols. I have no doubt that Count Orloff is a man of the highest honour, and meant what he said, and that both he and the Emperor of Russia mean to fulfil this promise; but I think it is no insult, even to an Emperor, when we are making important agreements upon which the fate of nations depends, to ask for some more binding guarantee. We do not regard a bridegroom as a rascal because we ask him to make a settlement upon his wife; and why should we not insist upon binding articles with reference to agreements which concern the honour and the faith of nations? I do not like to rake up old grievances; and at this moment, when we have just signed a peace with Russia, I should be sorry to say a word that could lead a Russian of any class to believe that I do not sincerely rejoice at the conclusion of that peace; but political events have occurred in former times between Russia and ourselves which ought to act as warnings, and which ought, I think, to have led my noble Friend (the Earl of Clarendon) to get some more solid guarantee on the subject to which I have referred than a mere phrase in a protocol which will be worth nothing after Count Orloff and his master—who are mortal—are no more. [The noble Earl read an extract from Sir J. M'Neill's *Progress of Russia in the East*, detailing negotiations which took place in 1814 between Russia, Persia, and the Porte, with reference to the cession of territory held by Persia in the Caucasus. The Russian Governor General in Georgia then solemnly pledged himself that a certain portion of this territory should be ceded to the Porte, and the British Ambassador, whose intervention had been employed, satisfied of the sincerity of this promise, felt himself justified in confirming it; but the Emperor of Russia could never be induced to relinquish a foot of the ground in question.] I have not the least doubt of the good faith of Count Orloff and the Emperor of Russia; but when they have passed away from this earthly scene, you will not have a line in your treaty which will prevent Russia from building what ships she pleases in Nicholaieff, so long as she does not bring them down into the Black Sea until a favourable moment arrives for doing so. If, therefore, the object of the war was to prevent any future aggression on the part of Russia, similar to that of which she has been guilty, certainly the maintenance of the maritime-military arsenal of Nicholaieff should have been forbidden, and the fortifications at Sebastopol should have been razed, as other fortresses almost as important have been razed under the conditions of former treaties.

There is one important part of the treaty, with reference to which I fear that I shall have some difficulty in explaining my meaning without a map. One of the cessions made by Russia—and a very important one—is a part of Bessarabia. Your Lordships may remember that, when Austria proposed the preliminary basis of negotiation, a line was drawn by her which divided Bessarabia into two parts, proceeding from Kichenau in the north-west to the Sasyk Lake on the borders of the Black Sea. The whole length of the district was about 250 miles, and the line drawn as nearly as possible bisected Bessarabia. When this question came to be discussed at the Conference I find that the Russian Plenipotentiaries made a suggestion, to which my noble Friend could not listen—namely, that something like a quarter of the province which they had promised Austria to give back to Turkey should be retained by Russia. This proposition was, of course, at once stifled; but to cut the matter short, Count Walewski said, that, although he could not consent to the sacrifice on the part of the Allies involved in the proposition of Baron Brunow, there was such a thing as a principle of compensation, and that, if Russia would give some other part of Bessarabia in lieu of that which she wished to keep back, such a proposition might be considered. But what do your Lordships suppose was the extent of territory proposed to be given up by Russia according to Count Walewski's principle of compensation? Looking at the map, it bears about the same proportion to the territory retained as my thumb-nail bears to my arm. It has been agreed to give to Russia a portion of territory extending 200 miles, and from thirty to forty miles in width, and it is of most essential importance. The line drawn by the Austrian officers would have given Turkey both banks of the Pruth and both banks of the Danube, and would have given to Bessarabia, belonging to Turkey, an exit into Austria, and it passed by the Russian magazines at Kichenau, which were driven back on the Dniester. But the plan adopted leaves 120 miles of the Pruth, belonging half to Russia, and half to Turkey. There must have been some strong reason for such a change in the distribution of territory as this. When you had relinquished Sebastopol and the other points I have mentioned, together with the whole of the Circassian fortresses, and when you had accepted the tortuous promises of Count Orloff relative to Nicholaieff, why was this important boundary and barrier against Russian aggression thus given up? Rumour was rife—although the protocols make no very distinct allusion to it—that the Russian Plenipotentiaries alleged that their Government was not in the same position as when it agreed to the Austrian proposition; that it had since then taken Kars, the key of Anatolia, and had one foot established in Asia Minor; and that, as it was, therefore, in a more advantageous attitude, it had a corresponding right to a more advantageous treaty. Indeed, the protocols even hint that the restoration of Kars and its province must be taken into account by the negotiators when the question of rectifying the frontier in Bessarabia was under discussion. It appears that my noble Friend gave way, and has obtained exactly one-half of what he was promised when the Austrian and French Governments first submitted their proposals to the English Cabinet. Why, then, should I be asked to join in an Address of joy and exultation to the Queen, declaring that such a result fulfils all the objects of the war? I am afraid, my Lords, that not the objects of the war, but the objects of the peace, were the matters chiefly considered at Paris. I am afraid my noble Friend forgot that one principal aim of the war, four months before, was to secure half Bessarabia from

Russia. Be this, however, as it may, the only reason for yielding on this point could have been the conquest of Kars. In plain English, the first Article, as entered into by Russia, means this :—"Here is Kars, we have got it, and what will you give us for it?" It has been the fashion of late for the Government and their supporters to depreciate Kars, and assert that it was of very little consequence in relation either to the war or to the Conferences; but a perusal of the protocols cannot fail to induce the suspicion that some pressure, some *force majeure*, must have been at work to compel my noble Friend and the other Plenipotentiaries of the Allies to recede from the points previously intended to be maintained; and, without adverting to common gossip which has been circulated in this country on the matter, I cannot help concluding that the real cause of this retrograde step from the frontier of Bessarabia was the advantage given to Russia by the surrender of Kars. I am not going into the whole question of the campaign of Kars, but I confine myself to the loss of that city; and that disaster I directly impute to the neglect of our Government; and on the same shoulders the responsibility for our not obtaining such a treaty as we could wish, and as my noble Friend himself would, I am sure, have desired, must consequently rest.

The history of the events ending in the loss of this important Asiatic fortress may be divided into two epochs; and the first of them comprises the period—about ten months—between the date when General Williams was first sent out as the Queen's Commissioner and left Erzeroum to defend Kars, and the time of Kars being finally invested. At any part of that period Kars might have been saved—I do not mean by the aid of an army, for that was not necessary, nor by sending any English or Turkish Contingents, that is not the real point; but by your sending provisions and ammunition to its garrison. This view is borne out by General Williams himself, who says as much, and is confirmed by Dr. Sandwith, who is now in England, and who says as much in his book. Your Lordships must not perplex yourselves with the second epoch when—Kars being invested and in imminent danger—it was necessary to relieve it by an army; but simply confine your attention to the antecedent period, when all that the place wanted was, not men, but a supply of provisions and ammunition, there being excellent troops within its walls, with an extraordinary soldier to command them. When England was "drifting into the war," I asked myself the question—put simultaneously to themselves, no doubt, by thousands of my countrymen—Who is to conduct the great and distant contest now impending? The great man who used to occupy that chair (the late Duke of Wellington) was no more; and he had left no equal behind him. It has not pleased Providence to raise up a general or a statesman fitted to supply the void occasioned by his removal. The Ministers to whose hands the Government of the country was committed in such an emergency did not take that comprehensive survey of the theatre of the conflict which a far-reaching sagacity would have dictated. From the first Asia Minor was neglected, and our efforts were entirely directed to other points. I do not say this was wrong—I am no soldier, and will not venture an opinion upon strategy; but still I think the Government held Asia Minor too cheap. Defensive operations in that quarter, if planned in time, might have easily been combined with the offensive in the Crimea, and if that had been done in time, Kars would have been saved. The Government cannot complain of the want of warning. The war of 1829 and the Treaty of Adrianople ought to have told them the importance of Asiatic Turkey, for it was far more the victories of Paskiewitsch in Asia Minor than those of Diebitsch in European Turkey, that gave Russia the advantages she then obtained. On the 6th of February, 1854, an eminent Member of this House (the Earl of Ellenborough) raised his voice to enforce the same lesson of history, and to urge the necessity of a campaign in Asia. The total defeat of the Turkish commander in this region followed in the next campaign, and yet it was not until the month of August that my noble Friend (the Earl of Clarendon) sent out an agent, who was certainly well chosen—General Williams—as British Commissioner to the Turkish army. General Williams's story is soon told. Having communicated with Lord Stratford and Lord Raglan, that officer at once went to Erzeroum. Having reviewed the Turkish army, and given the best advice he could to its generals, he thence proceeded to Kars; and, having put also that town in a still better state of defence than General Guyon and other distinguished officers who fortified it in the previous spring had left it, he returned to Erzeroum, there to prepare an account of what he had witnessed for his own Government and for the British Ambassador at Constantinople, with whom he had been duly authorised to correspond. General Williams's account of the condition of the Turkish army was deplorable. The soldiers had not been paid for eighteen months; the officers, from the colonel down to the lowest subaltern, had been robbing them of provisions and money, and many of the generals were worse, if possible, than the subalterns. In a word, more harrowing descriptions of cowardice, debauchery, and corruption than those contained in the Blue-book which had been laid on their Lordships' table were never perused. General Williams represented all these things to the Ambassador at Constantinople and to my noble Friend the Foreign Secretary, and what he most earnestly requested was, that he might be recognised by the Turkish officers as the accredited agent from England, and armed with such extensive powers as would be respected by the Turkish generals. He distinctly asserts that if he had possessed such powers, and had been acknowledged as possessing them, he could have done anything—corrected any abuse and redressed any wrong. Yet some of the powers he thus asked for he did not obtain until he had been contending for many months with the corrupt officials around him, and others, as, for instance, those of director general of supplies, he never received at all. Who is responsible for this neglect? I should be sorry to lay upon your Lordships' table a bill of indictment against Lord Stratford de Redcliffe, of whose former services to his country I am fully cognisant. I have had personal experience of his great talents, and never having had a dispute with him, but, on the contrary, having been always on the best terms with him during the existence of our official relations, I have no reason to make observations respecting him which might be imputed to any other motive than that suggested by a sense of public duty. But this Blue-book—the correspondence relating to the fall of Kars—has been placed in my hands, and no honest man can peruse it without perceiving that it is a bill of indictment against Lord Stratford de Redcliffe for not having invested General Williams with that authority which would have been the great key to his operations at Erzeroum and Kars, and which would have enabled him to procure for the army those supplies which the Turkish Government either would not or could not furnish. If General Williams had had that authority he would have revictualled Kars—not for four months, but for any length of time—and that fortress would have survived not only the taking of Sebastopol, but the negotiations for peace. On the 2nd of August, 1854, my noble Friend (the Earl of Clarendon) directed Lord Stratford to send General Williams to the Turkish army as the Queen's Commissioner. Lord Stratford answered, on the 15th, that he saw no difficulty in making the necessary arrangements for sending General Williams properly authorised; yet, on the 23rd of October, six weeks afterwards, he wrote to say that Reschid Pasha required to be informed officially of the name of the Commissioner. So that, six weeks after the Ambassador had promised to make the necessary arrangements, the Prime Minister of the Sultan did not know even the name of the Queen's Commissioner. In the meantime General Williams had gone to Erzeroum, where his scarlet uniform insured him a good reception; but when he began to meddle with the affairs of the Turkish, army, he was asked to show his credentials and he was obliged to confess his inability to do so, and what was still more extraordinary was, that on the 3rd of December—four months later—he was still disavowed, and Shukri Pasha did not hesitate to speak of him as one who had no higher power or position than that of a simple colonel. Thus four months were lost, during which General Williams might, if he had been invested with proper authority, have supplied Kars and Anatolia with victuals and ammunition. On the 22nd of September the Foreign Secretary wrote to Lord Stratford to say that it would be well to obtain for General Williams a high rank in the Turkish army; but the latter did not make the necessary application until the 15th of November, or seven weeks after the date of Lord Clarendon's letter. Delays continued. Mr. Pisani, that constant and useless go-between between the British Ambassador and the Porte, repeatedly communicated with the Turkish Government, and always came back with the same answer—namely, that what was necessary would be done without delay; next he was told that it had been sent; but, notwithstanding the frequent and indignant remonstrances of General Williams, it was not done until the 23rd of January, 1855. The third authority which General Williams solicited was that of director general of supplies—a position of the highest importance, as the preservation of Kars depended on the possibility of procuring provisions. He applied to Lord Stratford de Redcliffe on the 29th of January to obtain it for him; Lord Stratford did not do so, but lost four or five weeks by referring the application to the Foreign Office. Of course, by return of post, the noble Earl told him that he was to get the office for General Williams if he could. By the time that letter was received, the 20th of March had arrived, and then General Williams bitterly complained that he had not got the authority in question, and that he might do anything if he had it. But the delay did not rest there, for from that day to this General Williams has never received the appointment of director-general of supplies—he was left entirely to his own energy and resources. On the 10th of May there was only one week's or at most a fortnight's provisions at Kars. The English and Turkish officers wrote to General Williams, then at Erzeroum, entreating him to send them some supplies. The Russians were then within a month's march of Kars—for it was on the 9th of June that the place was invested. General Williams was still at Erzeroum, and not having received the necessary authority, could send no provisions; but seeing that the Russians were advancing upon Kars, he left Erzeroum and in what he describes as "an isolated position," took matters into his own hands, and by wonderful energy and ingenuity contrived to throw four months' provisions into Kars, thereby saving not only that fortress, but Erzeroum, and, probably Asia Minor; for, if the Russians had attacked Kars only a week sooner it must have fallen, and they would have had the whole summer to march upon the Bosphorus. These are not my statements; they are supported by the authority of Dr. Sandwith, who distinctly declares that had not General Williams taken the Commissariat under his own management, Kars must have fallen at once; and that had he been invested with adequate powers from the first that fortress would have been saved. Upon that narration I need not enter. The town was not surrendered until mothers brought their children to the doors of the general, and entreated him to save their lives—until every atom of eatable food was gone—until the soldiers were spectres—until the officers were in a state of actual starvation, and were induced to eat the dogs which fed upon the carcasses of the dead. There is no other man who has come out of this war with such a reputation as General Williams. I am not eloquent enough to do justice to his merits, but his name is engraved in the history of his country. When I make such an accusation as I am compelled to make against the noble Lord opposite (the Earl of Clarendon) and his Ambassador, your Lordships will expect that I should support it by some extracts from the correspondence. The first letter which I will quote is one of accusation from General Williams. Three months after his departure from Constantinople—namely, on the 8th of December, the Commissioner wrote to Lord Stratford:—

> "Since I fulfilled the duties confided to me as Her Majesty's Commissioner to the head quarters of the army of Kars, I have had the honour of addressing to your Excellency fifty-four despatches, identical with those forwarded simultaneously to the Earl of Clarendon and General Lord Raglan. Each packet has been accompanied by a private letter containing details and suggestions which, had they found place in my public communications, would have inconveniently lengthened those documents. On the 23rd of September I was honoured by a private letter from your Lordship, appealing to my 'spirit and humanity,' relative to the captivity of those unfortunate Russian ladies who had then recently been seized and carried into the mountains by Sheik Schamyl, the Circassian chieftain. Since the above date I have not been favoured with a line by your Excellency, even with an acknowledgment of the reception of my public or private communications. To one who has served your Lordship for so many years such an avowal on my part can only be recorded with feelings of deep disappointment and mortification—feelings which I have studiously endeavoured to conceal, even from my aide-de-camp and secretaries, because each successive post was anxiously looked for, in the hope of receiving answers from your Lordship on the pressing and important affairs connected with my mission to the head quarters of the army of Kars."—*Inclosure*, No. 66.

It is impossible for any man accustomed to the amenities of civilised life to understand the reason of this extraordinary conduct on the part of the Ambassador. It can only be known to two persons in the world—Lord Stratford himself and my noble Friend opposite. The noble Earl (the Earl of Clarendon) must have asked the reason, and I hope he knows it. I will make no guesses at it, but will only say that such a solecism as the neglect to reply to fifty-four despatches from a servant of the Crown is unintelligible to the

House of Lords, and I will leave it to the noble Earl himself to explain it. If this had ended in a fault of manners it would not have been a subject for your Lordships' interference; but when want of politeness, or rudeness, is detrimental to the public service, it is then manifestly our duty to reprove it, and to reprove it strongly and publicly. This neglect of General Williams was most detrimental to that service, because it deprived him of the little personal authority which he possessed among the Turks. As soon as the knowledge of this unaccountable conduct reached my noble Friend, he wrote a despatch in which he severely reprimands the Ambassador for his neglect. No one who has read that despatch can fail to approve it, because every one must feel that the conduct of the Ambassador to General Williams cannot be palliated. It is but fair to Lord Stratford to give his reasons for not answering the despatches and for failing to give proper assistance to the Commissioner. In a letter to General Williams he says:—

> "I have received your several despatches numbered to 61 inclusive. I have also received from you a number of private letters, to which you appear to have given an ostensible character. The public interests with which you are more immediately connected have not, as you suppose, been neglected by Her Majesty's Embassy. In due season I hope to afford you ample proof of my correctness in making this assertion. For the present I can only assure you that I have not time to write more fully. I received information ten minutes ago that the steamer was to start for Trebizond in an hour, and other more urgent matters are pressing upon my attention."

Other more urgent matters! What matters could be more urgent than the welfare of Asia Minor and the preservation of Kars? Will the noble Earl (the Earl of Clarendon) tell us what they were? If the noble Viscount (Viscount Stratford de Redcliffe) alludes to Sebastopol, he was not there. He was at Constantinople, with a very large staff of some of the ablest men in the diplomatic line. Could none of these have been trusted to answer General Williams's despatches? Could none of them have given to him one of those stereotyped acknowledgments of their reception, while the Ambassador was attending to the more important affairs to which he alludes? Equally trifling is the statement about the steamer to Trebizond. I had no idea that our Ambassador was treated so cavalierly as to be informed only ten minutes before of the departure of that steamer. It used certainly to be the case formerly that they were more likely to wait ten hours to suit his convenience than to depart ten minutes after they had told him they were about to go. Lord Stratford, however, afterwards enters into a much more elaborate defence, which amounts to this—that he cannot get the Turkish Government to move or to take any steps to procure the supplies which are required by the Commissioner. In my opinion he never frees himself from blame for not having obtained for General Williams the authority which would have enabled that officer to get the things which the Ambassador could not himself procure. That despatch is not the only one (besides the other which I have read) in which the noble Earl opposite positively disapproves Lord Stratford's conduct in not having supported General Williams as he ought to have done. General Williams afterwards maintains that he could have done anything had he been properly supported —that is, he could have victualled Kars and have held it until peace was made, and the Russian negotiators would not then have had the opportunity of entering the Congress Chamber with a bargain in their hands, or with anything at all to offer in exchange for the places and territory which we have restored to them. Having arrived at that point, I certainly did believe that Lord Stratford was greatly to blame, and, as it is my constitutional opinion that the Ambassador is solely responsible to the Foreign Minister and not to Parliament, and that the noble Earl alone is responsible to Parliament, it follows that I think the noble Earl is responsible to Parliament for not having either recalled Lord Stratford or sent another agent with advice and money for General Williams. If you had sent General Williams money, Kars would have been saved. But there is another mystery in the subject. The whole Cabinet must have concurred in the reprimands which were addressed by the noble Earl to Lord Stratford; certainly the Prime Minister, in the discharge of his duty, must have read and approved the despatches; but yet, no longer ago than the 1st of May, I find Lord Palmerston speaking in the other House as follows:—

> "I am perfectly ready to take my share of any responsibility that may devolve upon those who did not think it right to recall Lord Stratford. No doubt, we lamented that from the pressure of business, or any other cause whatever, Lord Strat-

ford omitted to answer those letters, and to give to General Williams that comfort and encouragement which would naturally have been derived from letters received from the Ambassador at Constantinople; but Lord Stratford did at Constantinople that which General Williams urged him to do; and no man who reads the papers with an impartial mind can fail to arrive at the conclusion that Lord Stratford did everything which it was in the power of an Ambassador to do for the purpose of obtaining for General Williams the supplies and reinforcements which he wanted."—[*Page* 1887.]

I ask any one of your Lordships who has read those papers to listen to this speech of Lord Palmerston, and tell me whether the conduct of the Ministry is not as inexplicable as the conduct of Lord Stratford. I withdrew my Motion the other evening, and it is not now, of course, the time to renew a similar one; but my former impression remains—is, if anything, stronger than before — that the Government are most blameable for not having duly attended at first to the position of Asia Minor, and, when they did turn their attention to that country, for not having properly supported the agent whom they sent there. They showed vacillation from the beginning in prosecuting the war in that quarter. I think I may say that they have crowned their former conduct by still further vacillation, when we see the Foreign Minister in one House writing a despatch strongly condemnatory of the Ambassador, and the Prime Minister in the other House completely exonerating him.

I have nothing further to say than to congratulate your Lordships on the position in which this country stands at the end of the war. While all the other belligerents are breathless and exhausted after the deadly struggle, this country alone appears to remain unwearied, and stronger even than when that struggle commenced. Yet had the war continued, I am not sure that we should have gained greater advantages than we have gained, and I cannot say that I regret that peace has been concluded. I am willing to join in an Address to the Crown in the terms which I have proposed, but the terms which have been submitted to your Lordships are exaggerated, and are not such as we can, in justice to ourselves, consent to use. If the objects of the war were such a reduction of the power of Russia as would make it impossible for her ever again to attack Turkey, they have not been attained, neither have we obtained that cession of territory which we might have obtained, and the omission to obtain which it remains for the noble Earl to explain. Having said this, as it seems to be the wish of the House to accept it, I shall not oppose the Address which has been proposed from the other side, but shall remain content with recording the opinions which I entertain upon the subject.

Amendment *moved* in the Second Paragraph to leave out ("Joy and Satisfaction that Her Majesty has been enabled to re-establish Peace on Conditions honourable to Her Majesty's Crown, and which fully accomplish") and insert ("Satisfaction that Her Majesty has been enabled to re-establish Peace on Conditions which have appeared to Her Majesty and Her Allies adequately to effect").

THE EARL OF CLARENDON: My Lords, before I proceed to offer some observations upon the long and unmitigated censure pronounced by the noble Earl opposite, in the course of a speech which, he says, he has found it his duty to deliver, in order to bring back to the knowledge of the country that which they might well have already known, I shall take the liberty of expressing my satisfaction and gratitude at the able and eloquent speeches of my noble Friends who moved and seconded the Address. It is most satisfactory to me to find that my noble Friends, who, from the beginning, were of opinion that the war in which we were engaged was a just and righteous war—who have been second to none in advocating the vigorous prosecution of the war with the view of arriving at an honourable peace, and who did not think that any peace would be honourable which did not attain the objects for which the war was commenced—it is most satisfactory to me that these noble Lords should call upon your Lordships to agree to an Address of approval of the treaty of Paris, thereby implying their opinion that the peace has been concluded upon safe and honourable terms. My Lords, I am most grateful to my two noble Friends for the opinion—far too favourable to myself—which they were pleased to express of the manner in which I had discharged the duties confided to me by Her Majesty of conducting the negotiations as one of the Plenipotentiaries on behalf of this country. But I would wish to take this opportunity of saying that any commendation which may be awarded to me for my part in the negotiations applies equally to my noble Friend and colleague, Her Majesty's Ambassador at Paris. The noble Earl says that the name of Lord Cowley is not seen in the protocols, and that I had, indeed, completely superseded him.

The Earl of MALMESBURY: I said my noble Friend's name was immediately superseded after he made the excellent observation as to the juxta-position of the two articles. No one knows better how to appreciate my noble Friend's (Lord Cowley's) diplomatic services than I do, and I hope always, both in public and in private, to bear testimony to their value.

The Earl of CLARENDON: I am glad I have given occasion to this explanation. It is certainly true that my noble Friend's name appeared much less oftener than mine in the protocols; but I should be pained, indeed, if any inference prejudicial to my noble Friend should be drawn from that circumstance. In my official capacity I naturally took the precedence of my noble Friend, and I consequently spoke more often in the Conferences, but I did so in his as well as in my own name, and always after previous consultation with him; I likewise received from him all the sound advice and able support which it was possible for me to derive from his experience. I am also anxious to take the earliest opportunity of removing the apprehension of the noble Earl opposite as to the prejudicial influence which he thinks the fall of Kars exercised on the negotiations and upon the terms of peace which were ultimately concluded. That apprehension, or, as I will take the liberty of calling it, misapprehension, appeared to be so strong on the mind of the noble Earl, that notwithstanding the secrecy maintained at the Congress, he did not hesitate to record it, before the treaty of peace was laid before Parliament, in a notice of Motion which he placed upon the paper of your Lordship's House, but which, in consequence of what took place elsewhere, he afterwards prudently withdrew. It is perfectly true that the fall of Kars was alluded to by the Russian Plenipotentiaries at the Conferences as an important event, which had taken place since the preliminaries of peace had been agreed to at Vienna, and which gave them some title to advantage, or at least favourable consideration, in the negotiations; but they at the same time said that the conditions having been accepted by the Emperor of Russia—and Count Orloff told me the same thing privately, the day after his arrival at Paris—they should be faithfully and honourably carried out in the negotiations. The Russian Plenipotentiaries were told that the fall of Kars was known at St. Petersburg at the time the conditions were accepted there, and that no notice was taken of the event; and that as the restoration of territory between the belligerents was a matter of course, and as, in the present case, it was a *sine quâ non* condition, we could not even admit that it formed matter of discussion. I will not enter into details of the discussions which took place on that subject, because a certain proposal was agreed to at our first meeting, and the complaint of the noble Earl that the first protocols are meagre and unsatisfactory, shows how well that agreement has been adhered to. We determined, in the first instance, that these protocols should merely contain decisions and such opinions as tended to elucidate those decisions, but that all desultory remarks and observations should be excluded, and, above all, anything that might wound national susceptibilities, and leave cause for irritation, in the event of our labours fortunately concluding in peace, should be excluded. However, if the noble Earl will have the goodness to look at the conditions of Vienna, and compare them with the treaty of peace now signed, he will discover that the fall of Kars has not exercised any injurious influence. Those conditions did not originate with us. They were proposed to us, but were made clear and precise by us. We were determined not to accept less, but we could not in honour demand more. I fearlessly appeal to your Lordships and the country, and ask whether those conditions have not been developed and carried out to their legitimate conclusions, and whether they are not stated in clear and unambiguous language? Such being the case, I regret that the noble Earl should have thought it necessary to bring forward the subject of Kars at such length—though I, perhaps, should be the last to complain, because I am the cause, as he told your Lordships, of his having carried his speech about with him so long. I appointed Colonel Williams to his post in the East with the entire approval of my noble Friend at the head of the Government, who first brought him forward and employed him. Colonel Williams was sent as Commissioner to the army at Erzeroum, and if Colonel Williams had been an ordinary man he would have confined himself strictly to his instructions, and reported only the occurrences which took place. The instructions to a Commissioner sent by the Foreign Office without military command or any military duty are to report to the Foreign Office, or to the Foreign Ambassador, the events and political occurrences which pass under his observation. If Colonel Williams had been an ordinary man, he would have confined himself to those instructions; but he was not an ordinary man. He exceeded his instructions, and determined himself to carry out the reforms which were indispensable to the existence of the Turkish army. His conduct was approved, and he was encouraged to proceed in the same course. It was quite true, that in the early part of his proceedings he did not receive from Lord Stratford that assistance he was entitled to expect; and no one regrets more than Lord Stratford that he left for so long a period the despatches of Colonel Williams unanswered. Even if Lord Stratford had employed himself in obtaining, and had been successful in obtaining, all that Colonel Williams desired, still it was a great error to leave a man like him, situated at a distance, in a position which might add to his difficulties and tend to dishearten him. I admit this—and Lord Stratford would also admit it—but it would be unjust to assume that because Lord Stratford did not write, therefore he did nothing else, or to suppose that in a city like Constantinople things were as well organised as at Paris, or that procrastination was not the rule there and the performance of duty the exception. What Blue-books might have been made out of the Duke of Wellington's despatches, and out of all the disappointments and delays he experienced, not from the ill-will of the Spanish Government, but from their slow habits of business, the want of means and of organisation, and from the dislike of foreign interference which was to be found in all nations, and in none more than in Turkey. The Turkish Ministers are at all times opposed to compliance with foreign representations; and at the moment when Colonel Williams's demands reached Lord Stratford, that noble Lord had actually several important matters on hand. He had to demand the cession of the Heraclean coal mines, to obtain a place for barracking the British troops, he was forming the Turkish Contingent, providing baggage animals throughout the provinces of Turkey, and more especially he was attending to the pacification of the Turko-Greek frontier. I do not wish to defend Lord Stratford on any point on which he may be rightly censured; but if your Lordships would consider that he had all this business on hand, with political intrigues without end going on, you will have some idea of the difficulties he had to contend with, and will rather think that he deserves credit for having done so much, rather than condemnation for not having done everything. The noble Earl opposite said that Lord Stratford is responsible to the Foreign Minister, and that the Foreign Minister is responsible to Parliament, and he implies that what should have been done was to recall Lord Stratford. Now, I think we should have acted most imprudently if we had at that crisis recalled Lord Stratford and sent out a new Ambassador to represent British interests at Constantinople, who would have taken weeks to get there, weeks more in learning their peculiar ways of conducting business, and still further weeks in learning the proper way of dealing with them. We certainly should not by that have saved Kars, and we should have been deprived of the public services of an eminent man at a critical moment. I say, then, that Her Majesty's Government, under these circumstances, took the only course which they could have taken. They expressed strongly to Lord Stratford disapproval of such of his proceedings as were to be disapproved; they insisted that he should communicate with the Porte, and obtain from it a recognition of Colonel Williams's rank, which would give him authority with the army at Kars, and that his demands should be complied with; and this course was successful, for the Blue-book shows that when Lord Stratford received these despatches he did make exertions and was successful in supplying the wants of Colonel Williams. My Lords, I know very well that Lord Stratford has his defects—who has not?—but his failings are those which arise from the indomitable energy of his character. No man who does not feel strongly can act vigorously; but the worst enemies of Lord Stratford admit that he has always used his experience of the country, and the influence he has gained during his long and honourable career in the East, exclusively for the good of Turkey. It is not too much to say, that it is to Lord Stratford's knowledge, experience, and influence with the Porte, that Europe is indebted for that hatti-sheriff which is the Magna Charta of the privileges of the Christian subjects of the Sultan, which has established equal justice in the place of religious domination, and which will, as far as a decree can, unite all ranks and classes of the empire, and achieve one of the great objects of the war by bringing Turkey into fuller intercourse with the Christian Powers of Europe. Whatever Lord Stratford's failings may be, they are certainly not new; such as he is, he has been all his life; and yet it is to my noble Friend opposite (the Earl of Derby) that he is indebted for a seat in this House. Only a short time ago my noble Friend took credit, most properly, for having only recommended to Her Majesty three Peers, and of these Lord Stratford was one. I have been reminded, too, since I came down to this House, that there was at one time a rumour that Lord Stratford had considerable reason to complain of my noble Friend (the Earl of Malmesbury), because he was entitled to expect that he would be appointed Ambassador at Paris. It was said that my noble Friend was not indisposed to recall Lord Cowley and send thither Lord Stratford, whose defects have to-night been so vividly described by him, in order, no doubt, to cement and promote the harmony of that alliance of which my noble Friend flatters himself that he is the author.

The Earl of MALMESBURY: I never heard of such a rumour in my life until just now from your lips.

The Earl of CLARENDON: My Lords, I do not propose to follow the noble Earl into everything he said with respect to Kars; but I would ask your Lordships whether, stripped of all party colouring, any charge can be brought against the Government with respect to Kars that does not apply equally to the French Government—unless, indeed, you are prepared to say that we had an interest, exclusively English, in Asia Minor? When I had the honour to attend Her Majesty to Paris, I discussed the whole subject of Kars and Asia Minor with the French Government. I pointed out the dangers that might result to Turkey from that quarter, that both Powers were equally pledged to defend her from those dangers, and that it was imperatively necessary for that purpose to take measures for the relief of Kars. I found the French Government just as much alive to the dangers which threatened Kars and as desirous to send relief as we could be; but it was always urged upon us by various persons with whom we discussed the subject, that Sebastopol was our chief object, that to Sebastopol all our attention should be directed, that if Sebastopol fell other things would follow as a matter of course, and that in all military affairs of consequence nothing was so unwise, so likely to produce failure, as divided operations. The generals, too, were consulted, and all of them — General Pelissier, General Simpson, General Della Marmora—were unanimous in the opinion that not a man should leave the Crimea. And what, I ask, what would have been the feeling of indignation raised throughout the country if the Government had taken on themselves—at a distance of 3,000 miles, and setting aside the wishes of the Turkish Government and the recommendations of the Generals—to send into Asia an army able to compete with that of General Mouravieff, which General Williams described as the most efficient he had ever seen, which might have given a lesson on parade to the best European armies, and which, besides being large enough to blockade the whole circuit of Kars, included a large force of cavalry? My Lords, the fall of Kars was a great disaster—a deplorable incident in the war. What its consequences would have been if the war had gone on I will not now pretend to say; but I do declare that that disaster had no prejudicial effect upon the negotiations of peace.

My Lords, I will now offer a few observations upon my noble Friend's criticisms upon the treaty. In the first place, he called your Lordships' attention to the juxta-position of the 3rd and 4th Articles, referring to what was given up on both sides. But, my Lords, the juxta-position to which he attaches so much importance, has a cause which he evidently does not understand. The whole of these first Articles relate to the belligerents, they are kept distinct from those which follow, and which relate also to the Powers which had nothing to do with the war. The 6th, the last of the war Articles, which provides for the restoration of prisoners, is generally the last clause in a treaty. Having in the 3rd and 4th Articles provided for the territorial arrangements necessary to complete the peace, the 20th Article, in conformity with the conditions of the Treaty of Vienna, states that—

> "In exchange for the towns, ports, and territories enumerated in Article 4 of the present treaty, and in order more fully to secure the freedom of the navigation of the Danube, His Majesty the Emperor of All the Russias consents to the rectification of his frontier in Bessarabia."

The next point taken by my noble Friend refers to the Russian transports, and he asks for an explanation of Count Orloff's statement upon that point. In a conversation that occurred upon the subject of transports, Count Orloff stated that it would be necessary to have them of a considerable size for the conveyance of the troops, and to give them a certain amount of armament; but it was ultimately arranged that the conveyance of the troops might be secured by ships of war, and that six small vessels of about 200 tons each would be sufficient. With respect to Nicholaieff, I must observe that Nicholaieff is not in the same condition with respect to the question of military and naval arsenals as Sebastopol. The Russian Plenipotentiaries did not attach much importance to it; but Count Orloff pointed out that the same principle by which we required the destruction of the works of Nicholaieff would apply equally to any place situated upon the internal waters and rivers of Russia flowing into the Black Sea, from whatever distance, and that some shipbuilding place was absolutely necessary for Russia in that part of her dominions for the purpose of building and repairing the vessels which she would be entitled by her engagements with Turkey and the other European Powers, to maintain in the Black Sea. What Count Orloff said was very true. He said it was not the existence of an arsenal, but the use to which it was put, that was of importance; and he solemnly declared, on the part of the Emperor of Russia, that neither at Nicholaieff, at Kherson, nor at any port in the Sea of Azoff, nor in any tributary to that sea, would there ever be constructed or maintained any vessel exceeding in number or size those which Russia would be entitled by the treaty to maintain in the Black Sea. My noble Friend complains that this declaration is not included in the treaty; but I do not see that Russia was bound to make any engagement with respect to her inland waters. We had no right to propose that degree of humiliation, and she would not have agreed to it. But the declaration made by the Russian Plenipotentiaries in the name of their Sovereign, and recorded in a protocol which is signed by them, although it may not have all the binding force of a treaty, carries with it a moral obligation which appears to me satisfactory; and I have no hesitation in saying that if one of those protocols were ever violated it might be appealed to successfully by all the contracting parties, as a binding document.

My Lords, another point to which the noble Earl alluded was the rectification of the Bessarabian frontier; and here also he attributed the arrangement that has been made to some mysterious influence—some spell which he supposes to have been exercised upon my noble Friend and myself, which fettered our independent action; and induced us to make a great concession to Russia. Now, it is quite true that the Russian Plenipotentiaries did bring forward a project to a great extent at variance with the conditions agreed to at Vienna; but that project was unhesitatingly rejected. It did appear, however, that the line of frontier proposed in the Austrian conditions was by no means the best. There was very great doubt as to the existence of what was called "a chain of mountains." Some maps omitted them altogether; others had them; and there appeared to be no doubt that they were little more than rising grounds — mere watersheds, in short—just a line that would have made a bad frontier and led to great confusion. It appeared, moreover, that it would intersect some Bulgarian colonies in which the Russian Government take great interest, and those colonies, from information I have since received from one of Her Majesty's Consuls, seem to be in a most prosperous condition; the inhabitants are free from the conscription, they are free from taxes, they pay only a small amount of rent, they have a local government, and they can leave Bessarabia when they please. We felt that to insist upon a line of frontier which would not be a good one, simply in order to keep Russia to the letter of our bond, would be mere chicanery, and we therefore agreed upon a line which was so clear that it could lead to no doubt or dispute whatever; which gave both sides of the Danube to Turkey, and restored to her all the fortresses upon that river; which gave to Moldavia 200 miles on the Pruth from the point at which it joins the Danube; and which removed all the apprehensions that had been entertained as to the possibility of Russia collecting large flotillas there. Towards the east the frontier line is extended from the Lake Bourna Sola—one side only of which belonged to Moldavia—to the sea, and the Danube will henceforth be free from all obstacles. The removal of the impediments will be entrusted in the first instance to a European Commission, and the maintenance of perfect freedom of navigation will be confided afterwards to a Riverain Commission, acting on the same principles as those which regulate the management of the Rhine. Your Lordships will see, therefore, that that great European object—the freedom of the Danube—has been successfully accomplished.

I will next refer to the forts on the eastern coast of the Black Sea. Not having obtained any military successes in that quarter—not having, indeed, carried the war into Asia Minor—we were certainly not in a condition to impose terms upon Russia with respect to Mingrelia, Imeritia, and the other countries in that region. It would be extremely difficult, indeed, to know what conditions to have imposed upon Russia. Only two courses were possible—you must either have restored those countries to Turkey, or have rendered them independent. Now, none of those countries would have submitted to be restored to Turkey; and to have declared their independence in the neighbourhood of Georgia, and of a Power like Russia, would have been a mere mockery, particularly as the sympathies of most of the chiefs are with the Russians, who have behaved to them with great kindness and consideration. Among those chiefs, notwithstanding the remarks of the noble Earl opposite, I must include Schamyl, for it is remarkable that the only period during which there have been no military movements whatever against the Russians, on the part of Schamyl and the Circassians, has been the two years of war. They have never shown the slightest sympathy with us, or the least wish to assist our arms. On one occasion, indeed, a chief did engage with the captain of one of Her Majesty's ships to produce 10,000 men at a particular place, on a particular day; but when the officer went to receive them, he could not find a single man. The only evidence we had of their feeling was the declaration of some of their chiefs to obstruct our progress along the east coast of the Sea of Azoff. There can be no better authority as to the disposition of the Circassians than General Williams, who, in a letter to myself, dated the 13th of April, 1855, informed me that Schamyl was only to be found when the invading army arrived near Tiflis, and that it was a notorious fact that this too-much vaunted chieftain did not even succeed last campaign in pillaging that town. In another letter, of so late a date as the 21st of August, 1855, General Williams states that at that time nothing was known of Schamyl's movements, and that the restitution of his son, together with large sums of money in the form of ransoms, might account for this inaction on the part of the Circassian chief. That does not show any very great activity on the part of the Circassians or their chief in support of the Allies, and does not constitute any great claim upon us in negotiating the treaty of peace. I say, therefore, that, not having been in a position to alter the territorial limits arranged by the Treaty of Adrianople, we confined ourselves to that which was a real grievance to Turkey, and which, by giving rise to encroachments upon the frontier line, has been a constant cause of quarrel for twenty-seven years between the Porte and Russia. We have appointed a mixed Commission, upon which there will be one English and one French officer, for the complete rectification of the Asiatic frontier; but, not having been able to annul the Treaty of Adrianople, we could not require Russia to demolish the forts on her own territory. Count Orloff said, that the forts on the eastern coast of the Black Sea had been built at great expense in most unhealthy localities; that their occupation had been attended with great loss of life; that they were now destroyed, but that he could not engage that nothing of the kind should be built, because some troops must go there, and they must have shelter and be protected against the brigands who infested the whole of that quarter. Moreover, these forts are not forts for purposes of aggression; they were intended for internal objects; in fact, for defending commerce—for assisting the blockade which has been so many years established in these countries; but Count Orloff stated, on the part of the Emperor of Russia, that he hoped the character of the people would be improved by the civilising influence of commerce, that the blockade and other restrictions would be removed, and that all the ports of Russia in that quarter—seven or eight in number—would be opened to foreign trade and would receive foreign consuls.

My Lords, I believe I have now answered most of the objections that were taken to the treaty by the noble Earl opposite, and I shall, if necessary, be prepared to give any further explanation that may be required. But I should ill fulfil the obligations imposed upon me by justice and gratitude if I did not bear my humble testimony to the honourable conduct, the perfect good faith, and the straightforward proceedings of the Emperor of the French. My Lords, the Emperor occupies a great position, which he has made for himself, and which he deserves, because it is founded upon entire confidence in his honour and fidelity. That confidence will continue to increase, for the great position which he occupies, the great power which he wields, has neither disturbed his calm judgment nor kindled in his breast the flame of ambition. His policy had its reward when, on the 30th of March last, the anniversary of the battle of Paris, the representatives of the same Powers who had signed the Treaty of Paris went in a body to the Tuileries, to announce to the Emperor Napoleon that they had just signed with France, and not against France, another and a very different Treaty of Paris, restoring peace to Europe. My Lords, my noble Friend who moved the Address has alluded to the difficulties of my position, arising out of a general belief in the insincerity of England, founded on the vast preparations which she was making, as it was supposed, for the sake of military glory, and on the warlike spirit which was manifested by the Parliament and by the press of this country. I must acknowledge, my Lords, that when I arrived in Paris I became painfully sensible of the existence of a feeling there that we did not intend to make peace, but to drag France on in a war with us, even after she believed that the objects for which the war was undertaken had been accomplished. But I must say, my Lords, that the Emperor did not share that feeling. The Emperor knew that what we had undertaken to do we should perform. He believed in the honour of England, and he believed that no British Minister and no British representative would have undertaken negotiations for the purpose of securing any selfish objects. But, on the other hand, the Emperor well knew that, faithful as we should be to our own engagements, we should, at whatever risk or hazard, insist that engagements should be kept with us. Now, I believe one of the chief reasons which rendered the notion of a Congress and the negotiations at Paris unpopular in this country, was the impression that Russia was insincere, and that the Conferences of Paris would be put an end to, as those at Vienna were terminated, by Russia. I am, therefore, the more desirous of saying, that throughout the negotiations, the conduct of the Russian Plenipotentiaries was honourable and straightforward. They certainly did, in a manner of which no one could complain, in a reasonable tone and with great moderation, endeavour to alter some of the conditions which were submitted to the Congress; but they uniformly declared, that if those conditions were insisted upon, they should be faithfully observed, and on no occasion did they pertinaciously insist upon any deviation from those terms to which the other Plenipotentiaries declared their determination to adhere. I must also say, that on more than one occasion, proposals were made to Count Orloff, which were at variance with his instructions, sometimes exceeding them, but which he accepted, and upon which he was obliged to ask for orders from St. Petersburg; and in no one instance did the Emperor of Russia fail to approve, by the telegraph, the conditional acceptance given by his Plenipotentiary. On all occasions, indeed, Count Orloff manifested a desire not only to prove that he acted in good faith, but to meet every wish of the other Plenipotentiaries. I trust—although my noble Friend (the Earl of Malmesbury) thinks that Lord Cowley and I have been somewhat too "soft" in this matter—that your Lordships will agree that, if, without abating one atom of the substance of our conditions, we could, in matters of form, consult the dignity of a Sovereign between whose subjects and those of Her Majesty there existed important relations which could not but be promoted by the restoration of cordiality between the respective Governments, we were right in doing so. I think if your Lordships will reflect upon the state of things which existed two years ago—if you remember the onerous treaties by which Turkey was bound, and which were so interpreted as to give Russia powers of interference in the Ottoman Empire—if you remember that Russia claimed a protectorate over the civil and religious immunities and privileges of many of the Sultan's subjects—that Sebastopol, protecting a powerful Russian fleet, was a standing menace to Turkey—that Russia claimed a protectorate over the Principalities, and claimed and constantly exercised a power of armed intervention—that she was able to obstruct the free navigation of the Danube—that she was meditating the establishment of another Sebastopol in the Aland Islands—that she was aiming at an occupation of Norway, which would have given her complete command of the Northern seas — if you remember that Russia had created and justified the greatest alarm throughout Europe—and if you reflect that now all the treaties between Russia and Turkey are annulled—that the Sultan has granted reforms, privileges, and immunities to his Christian subjects —that Sebastopol and the Russian fleet are no longer a menace to Turkey—that the seas which were before closed, are now open to free and unrestricted commerce—that the Principalities will no longer suffer from Russian protection, or have cause to fear Russian intervention, but that the institutions which, in fact, they will give themselves, will be placed under the guarantee of Europe—that a treaty has been signed, which is annexed to the general treaty, and therefore part of the national law of Europe, which guarantees the possessions of Sweden and Norway from aggression on the part of Russia—that Austria is now more closely bound to the Western Powers by the treaties into which she has entered—that Sardinia has gained great influence and *prestige* by the position which has been assigned to her in the Congress of the great Powers of Europe—that the alliance between England and France has been strengthened by the war —and that the common sacrifices and hardships which they have borne have cemented the ties of friendship, good-will, and cordiality, between the two nations — I think, my Lords, you will have no reason to be dissatisfied. I think it will be admitted that the objects of the war have been accomplished, and I trust that a treaty which secures those objects may not be thought unworthy of your Lordships' approval. I trust, also, that the people of this great country—knowing, as they do, that their resources are unexhausted, that their energies are unimpaired, that they never were, at any moment of their history, better prepared for war than at the present time—will be content to sheathe the sword with honour, and remember the calamities of war only the better to appreciate the blessings of peace.

THE EARL OF DERBY: My Lords, I am very far from denying to the noble Earl that, comparing the condition of this country and its foreign relations at the present moment with what they were two years ago, the war has not been unaccompanied by circumstances which afford reason for satisfaction and congratulation; but the question between us is, whether all that might have been attained has been effected—whether we have made the full use we might have done of the powers we possessed—and whether by this treaty we have, according to the statement of the Address, "fully accomplished the great objects for which the war was undertaken." I can assure Her Majesty's Ministers that nothing would have given me greater satisfaction than to have been enabled to join in an unanimous Address to Her Majesty upon the Royal Message which has been sent down, announcing the conclusion of peace; and I certainly hoped that the noble Earl, having so long delayed laying before your Lordships the words of the Address, would have taken care—and I think I ventured to make the suggestion to him—that it should be framed in such terms that no possible difference of opinion could have occurred; but, with my conscientious views of the results of the war and the terms of the peace, I cannot consent to adopt that language of high-flown eulogy which Her Majesty's Ministers have thought fit to apply to themselves, and declare that I regard the peace "with joy and satisfaction," and as having been concluded "on conditions honourable to Her Majesty's Crown, and which fully accomplish the great objects for which the war was undertaken." I accept this peace—and I accept, as I believe the country accepts it—without enthusiasm, but without opposition. I believe the country looks upon it as a peace which might have been worse, but which might have been far better —a peace with which they are willing to put up, but not a peace which they think compensates for the sacrifices, the sufferings, the labours, and the expenses of the war. I can only hope that this peace may be permanent. I hope it may have a better fate than that peace to which, unless he was misrepresented, a right hon. Colleague of the noble Earl opposite compared it—the Peace of Amiens,—a peace which that right hon. Gentleman declared was one at which all men rejoiced, but of which all men were ashamed. This is a peace at which all men may rejoice, inasmuch as it must be a matter of general rejoicing that this and other countries are freed from the calamities of war, and enabled to enjoy the blessings of peace; but I say, also, that it is a peace the terms of which afford little, if any, reason for national rejoicing.

My Lords, I cannot complain that my noble Friend who has just sat down has referred to the siege and abandonment of Kars; but I must be forgiven for saying that I do not think his explanation was entirely satisfactory, either with regard to the conduct of the Ambassador or of Her Majesty's Government. I entertain high admiration of the talents and ability of Lord Stratford de Redcliffe. It is quite true, as my noble Friend opposite has stated, that I felt it my duty to advise Her Majesty, in reward for Lord Stratford's long labours and able services, to confer upon him a seat in this House, which he had richly earned by his devotion to the public service; but it is not the fact, as my noble Friend has been led to suppose, that I at any time suggested the removal of my noble Friend, who was then Ambassador at Paris, in order to substitute Lord Stratford de Redcliffe; and I think my noble Friend the Ambassador at Paris will recollect the particular circumstances under which he was retained at his post in that capital. Whatever gratitude, however, the country may owe to Lord Stratford for his many and important services—and for none of greater value than those rendered in the position which he has so long filled at Constantinople—Parliament must not omit to censure a neglect which appears to have been prejudicial to the public interest, merely out of consideration for those services. In dealing with Lord Stratford, my noble Friend (the Earl of Clarendon) and the noble Viscount at the head of the Government seem to be under some strange misconception. My noble Friend dwelt apologetically upon the vast demands there were upon the time of the Ambassador at Constantinople, and he said that at the time when Lord Stratford de Redcliffe neglected to write to General Williams, he had six matters, all more important than the relief of Kars, pressing upon him coincidently; and, allowing for a little exaggeration in the estimate here given of the relative weight of the rival subjects claiming his attention, I have no doubt that his time was amply occupied. But, if that be so, what is the meaning of the stern and severe rebuke administered to the Ambassador by my noble Friend for not doing that which, according to this statement, it was absolutely impossible for him, overwhelmed as he was with his multifarious other avocations, to perform? Then my noble Friend says that Lord Stratford deeply regrets and deplores his neglect of the British Commissioner at Kars, and penitently wishes that he could recall it; but that in the latter period of the siege of that fortress, when it was unfortunately too late to do anything effectual in behalf of its brave garrison, no man could have devoted himself to the business with more zeal and ability than our Ambassador. Yet he sincerely repents of his shortcomings, for which, in no over lenient terms, my noble Friend reprimanded him; and, therefore, what becomes of the assertion of the noble Viscount the First Minister, that Lord Stratford did everything within his power?

THE EARL OF CLARENDON: The noble Earl must pardon me for interrupting him, but I should like to know when the statement was made which he ascribes to Lord Palmerston?

THE EARL OF MALMESBURY: On the 1st of May.

THE EARL OF DERBY: The authority on which I spoke is not such as I would always trust, yet it is fully as authentic as many of the public documents laid on your Lordships' table. But, whatever may have been the conduct of Lord Stratford on this point, he was, in the first place, the agent of Her Majesty's Government, and, in the next, whatever blame attaches to him is of small importance as regards the fate of Kars when compared with the omissions directly and immediately attributable to the Ministry. In the eulogium passed by my noble Friend on General Williams, there is not a man who would not cordially and entirely concur, and—as it turns out—no selection for his office could have been better or more fortunate for the public service. But what was his position? He was a Commissioner attached to the Turkish army, precisely, as the noble Earl says, on the same footing as Sir Hugh Rose stood in connection with the French army. He had no power—no authority—no rank. True, being no ordinary man, he took upon himself an authority far beyond any with which he was invested, but there is no denying the fact that if—when it became evident that Colonel Williams must either be practically supreme or fail in his object—Her Majesty's Government at home and the Ambassador at Constantinople had interposed to support him, Kars would have been provisioned, and that fortress would have remained at this moment in the hands of Turkey. That fortress fell from famine and not from force; and if Colonel Williams had been properly furnished with the authority or money to procure supplies of provisions—as he might easily have been to any amount—the place would never have been captured; for it had fallen from famine and not from war. I say, then, it is indisputable that not our Ambassador, but primarily and mainly Her Majesty's Government, were the cause of that disaster, having left Colonel Williams without the means of laying in those stores which would have enabled him, with the military assistance of his friends, to make Kars absolutely impregnable. It is vain, therefore, for the Secretary of State for Foreign Affairs to ride off upon the second epoch of this unhappy business, and to tell us that troops could not be spared from before Sebastopol to save this Asiatic stronghold. My Lords, I have thought it my duty to follow my noble Friend through his statement with regard to Kars, and I would not have done so if the question had not borne directly upon the terms of the treaty. I listened with great admiration to the eloquence of the noble Earl who introduced this Motion, and to the speech of the noble Baron who followed, yet, I trust, it will not be deemed disrespectful if I observe that neither of them in the slightest degree touched on the merits of the question before us, or at all attempted to discuss the advantages or the defects of the treaty of peace. The speeches of these noble Lords were excellent addresses in praise of everybody and everything—the gallantry of our troops and of the distinguished men, many of whom are unhappily lost to their country—the bravery of the Turkish forces, as well as of our own army and navy—the foresight and ability displayed by Her Majesty's Government — and last, but not least, the unparalleled efforts made with unparalleled constancy and unanimity by the people of this country for the promotion of the great objects of the war. But, as to the results of those exertions and sacrifices, and their ultimate effect in achieving the great ends which they contemplated, not a single syllable fell from either of the first two speakers. The noble Baron (Lord Glenelg) did, indeed, advert to one point in the treaty, and assured us that the hatti-sheriff granted by the Sultan in favour of his Christian subjects reflects infinite credit on Her Majesty's Government; but allow me to remind him that that document is a condition obtained from our friends and not from our enemies—I can assure the noble Baron that the hatti-sheriff was granted not by Russia, but by Turkey. Perhaps, also, the noble Baron will allow me to inform him, if he does not know it already, that the hatti-sheriff does not form one of the Articles of the treaty. [Lord Glenelg: I said it did not.] "If," said the noble Lord, "you have got nothing else, you have got that which is worth all the war has cost. It is not a part of the treaty; but we have extorted"—such was the noble Baron's phrase—"extorted the ungrudging consent of Turkey to it."

Lord GLENELG: I never used such a phrase.

The Earl of DERBY: I beg the noble Lord's pardon—it was the noble Earl who talked about "extorting an ungrudging consent."

The Earl of ELLESMERE: The noble Earl probably alludes to an expression which fell from me in the course of my speech. But what I said, and what I now repeat, was, that the British army had "extorted the ungrudging admiration" of their former enemies.

The Earl of DERBY: Well, I do not exactly understand how a thing can be "extorted" when it is "ungrudged;" but that is a point of rhetorical taste upon which it would be useless to dwell. The Secretary of State for Foreign Affairs says that the fall of Kars made no difference to the terms of the treaty. I am not going to dwell on the conjunction or the juxta-position of the Articles in the treaty, on the subject of which my noble Friend (the Earl of Malmesbury) made a remark which the noble Earl opposite said was made in ignorance—wherever the Article to which I am about to allude is placed, one thing seems clear—namely, that when the basis of the pacification was originally signed, no provision was made for the restitution of territory by Russia, for the simple reason that she had taken none. The original terms were that, in exchange for the fortified positions and territory occupied by the Allies, Russia consented to the rectification of her frontier in Europe. In the meantime circumstances had changed. Russia had become possessed of the fortress of Kars and of a considerable portion of Anatolia; and, consequently, when at one of the Conferences the restitution of Kars was brought upon the *tapis*, the Russian Plenipotentiaries, admitting the principle of that restitution, yet expressed a hope that the question would be reserved for discussion till the close of their proceedings, and that in the meantime credit would be given to him for having assented to the concessions already agreed to. In the first instance, it was one of the preliminary conditions on which we consented to enter into negotiations for peace, that in exchange for Sebastopol, Kertch, Kinburn, Eupatoria, Balaklava, and other places, we should obtain from Russia the very rectification of the territory of Bessarabia that had been arranged at Vienna; but when the Plenipotentiaries came subsequently to discuss the terms of the treaty, the Russian Minister claimed that as a counterpoise for the restoration of Kars, most important alterations should be made in that rectification, and those alterations were made accordingly. Yet the noble Earl the Secretary for Foreign Affairs has the courage to stand up and assure your Lordships that the fall of Kars had no influence one way or the other on the terms of peace, and that Turkey is secure from future danger. And what is this rectification of which the noble Earl makes so light? Here was a district of 300 miles in length and thirty or forty miles in breadth. The Russians gave up both banks of the Danube and of the Pruth, with thirty or forty miles of territory to the east of the latter. But the noble Earl now says that that was an inconvenient line—that it was marked out not by mountains, but by a mere elevation of land. But what is a more convenient or a more usual boundary, not only of territories but of properties, than one which shall include the whole watershed and the sources of the river, whether such watershed be determined by a chain of mountains, or by a mere elevation of land? What, in fact, the noble Earl has given up is 150 miles of territory, thirty or forty miles broad; he has brought the Russians back upon the Pruth, and has given them a divided command of that river. But again, where is now Jassy, the capital of Moldavia? Under the original scheme there would have been forty or fifty miles between it and the Russian territory; now, the Russians have been allowed to approach the stream, over which there is a good bridge. The difference between the plan of rectification originally proposed and that to which, owing to the surrender of Kars, we were compelled to accede, may be illustrated by a familiar simile. In the first case, there was a locked door, both keys of which were in the keeping of Turkey; in the second, there was the same locked door, but the parties on each side of it had each a key: and which Power is the more dangerous to be put in possession of such an instrument—Moldavia or Russia—I will leave to your Lordships to determine. I do not hesitate to assert that, as regards this matter of the rectification of territory, there is a manifest defect in the treaty, and that this defect has been occasioned by the fall of Kars. With respect to the Black Sea, the original proposition was that it should be completely neutralised. It was to be open to the commerce of all nations, but no military arsenals of any description whatsoever were to be erected on its coasts. Your Lordships have the treaty before you, and you can ascertain for yourselves how far that promise has been realised. There is a question to which the treaty makes no allusion, but which, nevertheless, is one of no trivial importance—What is to become of the fortresses of Ismail and Kilia-nova? Are they to be razed? Is there any understanding on the subject? Perhaps the noble Lord the Secretary for Foreign Affairs will have the kindness to inform us?

THE EARL OF CLARENDON: There is no understanding; they are in the territory which will be restored to Turkey.

THE EARL OF DERBY: That will form part of Moldavia.

THE EARL OF CLARENDON: Well, that is Turkish territory.

THE EARL OF DERBY: Yes; but I am not sure whether it is not Turkish territory that cannot be occupied by Turkish troops; and unless these fortresses be occupied by Turkish troops, they can constitute no security for Turkey. And what about Nicholaieff—the great maritime arsenal at which most of the Russian ships designed for the Black Sea are constructed? Is Nicholaieff to be dismantled or destroyed? The Government may find it convenient now to argue that we had no right to demand that Nicholaieff should be dismantled or destroyed. The Government may find it convenient now to argue that we had no right to demand that Nicholaieff should be dismantled; but such was not the opinion of the noble Earl (the Earl of Clarendon) at the Conferences of Paris. A change in our fortunes, however, necessitated a change in our policy. At the request of the Russian Plenipotentiary, the question was adjourned, which is tantamount to a Motion in this House to postpone the reading of a Bill for six months. The matter dropped; and it is admitted by the Government themselves that Nicholaieff is to be left untouched. We are told, indeed, that the Emperor of Russia will not permit any ships to be built there except such as are expressly mentioned in the treaty as being intended for the service of the Black Sea. But no such obligation is imposed on him by the treaty. It is simply recorded in the protocol that it is the intention of the Emperor not to permit other ships to be constructed there.

THE EARL OF CLARENDON: It is stated in the protocol that the Emperor is under an engagement in that respect.

THE EARL OF DERBY: The noble Earl will pardon me for assuring him that on this point he is quite in error. The protocol has not one word about "engagement." Instead of a condition that Nicholaieff shall not be used as a naval arsenal for building vessels of war, you are content with the simple declaration that the Emperor has no intention to use it for such purposes. This may be true enough of the present Emperor, but you cannot have any means of ascertaining what may be the intentions in this particular of any future Sovereign of Russia. There is nothing in the treaty to prevent the building of any number of ships at Nicholaieff; and as for Sebastopol, I can see no reason why it should not be rendered impregnable. For commercial purposes the docks may be restored to their original dimensions; and, limiting my observations to the mere provisions of the treaty, I can see no reason why vessels of war may not be floated down from Nicholaieff to the Black Sea, and placed behind the impregnable forts of Sebastopol. Perhaps it may be said that we shall have Consuls at Sebastopol and all other ports in the Black Sea, and that from them we shall be sure to obtain information early enough to render remonstrance effective. Yes, upon the coasts of the Black Sea; but you have agreed that Nicholaieff is not upon that sea, neither is the Sea of Azoff to be considered any portion of it; therefore we have no right to have Consuls at either of those important places. And, after this, you tell me that you have taken treaty security for the neutralisation of the Black Sea. With regard to the forts on the east coast of the Euxine, my noble Friend says that we had no such success in that quarter as would justify us in demanding the abrogation of the Treaty of Adrianople. I thought that that, like every other treaty between Russia and Turkey, had been abrogated by the war. My noble Friend says that we could not call upon the Russian Government to demolish these forts. I do not know whether, upon the part of the country, he had a right to do so; but I know that the British Plenipotentiary did ask for the destruction of these forts, and his request was, to use a mild diplomatic term, "adjourned." And now he tells us that we had no right to ask anything of the sort, and he could not expect Russia to grant it. As to military success, I do not know what view the noble Earl takes of the subject. Perhaps he is so intoxicated with greater military successes, not unmingled with some disasters and some imperfections, even in the achievement of the greatest operations, as to think that the naval operations upon the eastern coast of the Black Sea by which these forts were destroyed, and which caused their abandonment by the Russians, were not such as called upon us to maintain the *status quo*, and to procure that those forts so abandoned and destroyed should not, by these same Russians, be rebuilt and reoccupied. I will not enter into the question of what degree of support or co-operation we may have received from the Circassians, from Schamyl or any other of their chiefs, nor into the question why we did not receive such support; but I ask, not as a question of gratitude or good feeling towards them, but as a question of policy, and of carrying out that which the noble Earl himself declared to be among the principal objects of the war—the limiting of the territory and the repression of the aggrandisement of Russia—whether he can justify having inserted no conditions in this treaty by which these tribes should be maintained in that degree of independence of Russia which has formed, and might continue to form, an important barrier against the aggressions of that Power in the quarter in which they are most dangerous to Turkey? Your object was to repress the aggressions of Russia and to secure the integrity of Turkey; and you neglect to make provision against the expansion of territory and the continuance of aggression precisely on the side on which Russia can at any time best carry out her views of aggrandisement against that Turkey the integrity of which it is your object to secure. I say that that is a signal defect in the treaty. You may say what you like about the indifference to your assistance manifested by those tribes—an indifference occasioned, perhaps, by your injurious interference with their domestic concerns, or by their inability to hold their own; but I say, that in providing for the neutralisation of the Black Sea, for the repression of Russian aggression, and for the integrity of Turkey, these Circassian provinces were, of all others, those to which you ought primarily to have directed your attention; and this you have wholly and indisputably neglected.

My Lords, there is one point in the treaty which was not touched upon by my noble Friend (the Earl of Malmesbury), and therefore has not been replied to by the noble Earl opposite—I mean the position in which you have left the affairs of the Principalities. Now, if there was one point which it was important to settle, or for the settlement of which to lay down a basis, it was the precise constitution of those Principalities, Moldavia and Wallachia. They form a barrier between Russia and Turkey, and their neutrality and their virtual independence under the suzerainty of the Porte are of primary importance. How have you left the subject of their constitution? You have left it in this way: The Sultan engages to summon divans, *ad hoc*, for the purpose of ascertaining the wishes of the people. When he has ascertained those wishes, is he to act upon them? Not at all. The contracting Powers are to appoint another Commission, the composition of which is left to future settlement, which is to make its inquiries and to report to a fresh Congress. Having received that report, and that of the divans summoned by the Sultan, you are to have a fresh Congress for the purpose of settling the constitution of the Principalities. Therefore, the constitution of these Principalities, which is essential to the fulfilment of the objects of the war, and to the maintenance of the intergrity and independence of Turkey, is to be left to two separate bodies responsible to two different authorities; one of which is to be constituted by the Sultan, the other to be constituted I know not by whom, and to be organised you know not how. When these bodies have come to a final conclusion you will enter upon the question of how Moldavia and Wallachia are to be governed. I say this is not the way to conclude a treaty. This concludes only a truce. It leaves open endless causes of dispute and difference, and does not do that which you might have done, namely, bring to a satisfactory conclusion the questions involved in these subjects.

My Lords, there is another point too important to be dealt with incidentally in a debate upon a treaty, of which it does not form a part, but which I cannot pass over without entering my solemn protest against the act, and still more against the manner in which that act has been accomplished. I mean that declaration of the maritime Powers which has introduced an entirely new rule in the maritime code of England, which has gone counter to the declaration of every statesman in every period of our history, and which abrogates the principle for the maintenance of which we have withstood foreign combinations and resisted foreign invitations to the conclusion of treaties, and which we have held by as the sheet anchor of our naval power. [A noble LORD: The Corn Laws.] Did we repeal the Corn Laws by the unauthorised act of a Plenipotentiary? The Corn Laws were repealed after full discussion, with the knowledge and sanction of both Houses of Parliament. But our maritime supremacy has been surrendered, to use the mildest word—has been given away—has been yielded to I know not what. There is no protocol which tells us what were the arguments in its favour. There is no discussion as to the objects to be gained by it. There is no statement whether it was volunteered by the British Minister. But this I know, that, right or wrong, volunteered by the British Minister, or surrendered by him to the feeling, prejudices, and desires of other countries, it was done in the dark, without the knowledge of Parliament; and that the Minister, sent and trusted by the country to conduct negotiations for restoring peace on certain bases known to the country, took advantage of his position to make an important alteration in the maritime law of England, without the knowledge of Parliament, and without our having the least idea that such our birthright was being given away. This question is too large to be argued now; but I should have thought myself unworthy of a seat in your Lordships' House if, while we are discussing the terms of this treaty, I did not protest against the contents of the paper which I have seen with astonishment and indignation forms an adjunct to the treaty, of which it is undoubtedly no part. For the treaty itself, my Lords, I accept it, as I believe the country will accept it, with some degree of reluctance. I do not regret—God forbid that I should—I cordially rejoice that we are delivered from the horrors and calamities inseparable from war. I hope, far more than I believe, that the peace you have concluded may be enduring. I do not regret that we have shown moderation in our success. I do not regret that the great efforts which the country has made will end in the exhibition of a mighty naval armament the like of which no country ever saw, and of an army in a condition which nothing can surpass, and that the actions of which that army and navy might have been capable are no longer required. I am willing to believe that the exhibition of that power, that unbroken power, on the part of England, has had some influence in facilitating the conclusion of peace, and I willingly consent that that great naval armament, as it has been the greatest, so it shall be for the present war the last exhibition of the greatness of the nation, and of the incapacity of the Administration which governs it. I say I do not regret that more blood was not shed; I do not regret that we have come to terms of peace. I accept this peace, even such as it is; but if you call upon me, in my place as a Peer of Parliament, to say that in my judgment this peace is honourable to Her Majesty's Crown and completely attains all the objects for which we went to war, I cannot, with all my desire that we should come to an unanimous vote, assert that which I do not believe, and must give my assent to the Amendment proposed by my noble Friend. I do not mean to trouble your Lordships by taking a division upon the question, but I wish to record my opinion together with his that the words of this Address are not justified by the facts, and that, although the nation assents to peace and gladly reposes from war, this is a peace which they do not hail with enthusiasm, but which they accept with reluctance, and which in the opinion of the country and in mine reflects no honour upon the Ministers by whom it was negotiated.

EARL GRANVILLE: I do not rise, my Lords, to answer at length the speech of the noble Earl who has just sat down, but simply to make a few observations on certain points on which he has touched; and I can assure your Lordships that I am too well satisfied with the speeches which have been delivered on this side of the House, and, I may say, on the other side of the House too, to break though that resolution. The first point touched on by the noble Earl was the conduct of Lord Stratford. There was a great difference between the two noble Earls who have addressed the House from the Opposition benches in this respect. The noble Earl who commenced this discussion (the Earl of Malmesbury) spoke in a tone of great vituperation; but the noble Earl who has just sat down (the Earl of Derby) merely contrasted the reprimand addressed by the Secretary of State to Lord Stratford, and the unwillingness of the Government to recall him. Surely, every man of common sense must see that Lord Stratford, having done wrong on one point, and the Secretary of State having reprimanded him for it, it was the duty of the Government, if they should be of opinion that it would, on the whole, be more for the advantage of the Government that Lord Stratford de Redcliffe should remain at Constantinople, not to recall him, and it is clear that, except upon this point, both the noble Earls are of opinion that the noble Lord is the proper person to represent Her Majesty at Constantinople. The noble Earl (the Earl of Malmesbury) attributes the fall of Kars not so much to the Ambassador as to Her Majesty's Government at home. He says that if General Williams had been supplied with money, provisions, ammunition, and authority, Kars would not have fallen. As to authority, it was clearly out of the power of Her Majesty's Government to invest General Williams with the authority which he desired over an army not their own—the Turkish Government alone could do that—and if Her Majesty's Government had sent a Commissioner into Asia, insisting, before his abilities and energy were known, that he should at once take the command of the Turkish army, it would have given rise to no small complaint. As to money, General Williams never, except upon one occasion, made application for money; and as to provisions and ammunition, they were in Asia even at the early period which has been alluded to, and it was owing to the gross negligence of a Turkish official that they were not stored in safety in Kars long before its investment. Notwithstanding the very clear and explicit declaration of my noble Friend as to what passed at the Conference in consequence of the possession of Kars by the Russians, to the effect that it was stated most clearly to Count Orloff that, inasmuch as the fall of Kars was known to the Russian Government when they accepted the proposals from Vienna, the demand made by the Russian Government could not be submitted to; yet the noble Earl misstated the facts to the House, and referred to a passage of Count Orloff's observations inserted in the protocol; but your Lordships will see that that passage does not say that this question will be considered while treating upon the points already settled at Vienna, but upon the consideration of the additional Articles, which had nothing whatever to do with it. With regard to the other stipulations of the treaty, the noble Earl appears to me to undervalue their importance; because, by the communications of the Turkish Government, it was ascertained that the principal things they wished for were the rectification of the boundary in Bessarabia and the opening up to commerce of the eastern coast of the Black Sea, both of which have been secured by the treaty. The noble Earl made another objection, which I thought was not consistent with the facts of the case, as to the effect of the razing of the forts of Ismail and Kilianova. If there was one thing more than another which surprised me in this treaty, it was that the Russians had consented to give up the fortress of Ismail, which is connected with one of their greatest military achievements; but when your Lordships remember that the whole of the Powers have guaranteed the integrity of the frontier as newly laid down, and that three of the Powers have declared it to be a *casus belli* if the provisions of the treaty are infringed, it was, you will allow, something very like special pleading for the noble Lord to argue that Ismail was not really restored to Turkey. The noble Earl has expressed his regret that Nicholaieff was not included in the treaty, instead of being made merely the subject of a declaration in the protocols; and he stated that Sebastopol was still a standing menace to Turkey, as there was nothing to prevent Russia reconstructing the docks, fortifying them, and building any description of vessels she pleased. But I put it to your Lordships whether there is not that moral obligation imposed by a declaration made so solemnly in the face of all Europe by the Plenipotentiary acting on behalf of his Sovereign, which Sovereign has afterwards ratified the treaty, which would give us a right to protest, and even to proceed to further extremities, should any breach of it be attempted. If we are not to place confidence in this sort of expressions, the value of the treaty itself must be very much weakened. The noble Earl (the Earl of Derby) repeated the objection of the noble Earl near him with regard to Sebastopol. He said it would not be a difficult thing to build a new town, to fortify it, and to construct commercial docks. I speak certainly with very great deference in the presence of those who are so much better acquainted with these things than I am; but, I ask you, would it not be a direct infraction of the treaty if Russia were to rebuild her docks, calling them commercial docks, and then to fortify them, as the noble Earl suggests? Would not the treaty be clearly broken by such a perfidious proceeding? When the noble Earl (the Earl of Derby) talked of the Circassians, he moderated his tone a little from that adopted by the noble Earl near him, in consequence of the noble Secretary for Foreign Affairs having pointed out how little the acts of the Circassians really put us in a position to justify us in urging a point not easy to be obtained in their favour. The noble Earl said that we compromised the Circassians, and asked what Colonel Loyd was about? I regret to say that he died immediately after the battle of the Alma, and never reached Circassia; and Mr. Longworth, another agent, did not succeed in making any arrangement with the Circassians. Perhaps the noble Lord will say that this was owing to not employing able agents; but exactly the same ill success attended the efforts of the French Commissioner. I must say, however, that when the noble Earl complains of the noble Earl the Foreign Secretary for not carrying out all his views on this question, he speaks as if Her Majesty's Plenipotentiary had been sitting in his own room and dictating despatches to some subordinate, bound to execute his intentions. But there were other Plenipotentiaries concerned—those of our Allies as well as of the belligerents to whom we were opposed; and I ask your Lordships whether you think it would have been possible to prolong the war because these arrangements were not made for the Circassians, in insisting on which, I venture to say, my noble Friend would not have been supported by any other nation represented at the Congress? The noble Earl made one observation which I am willing to attribute to a slip of the tongue. It was surprising that one who has had no small share in persuading this nation to make one of the noblest sacrifices ever witnessed for the abolition of slavery in our own colonies should have said that Her Majesty's Government had pursued an ill-judged policy in endeavouring to put an end to the slave trade in Circassia. With regard to the Principalities, the noble Earl said that the arrangement with respect to those provinces was one of the principal points on which he found fault with the Government, and he thought that nothing would have been so easy as for the Plenipotentiaries at Paris to settle the question off hand and to have done with it. Now, I think, we are acquainted sufficiently with the consequences of Congresses proceeding on the assumption that they know better than the people of the country they are dealing with what is best for their welfare. I venture to say that there was not sufficient knowledge on the part of the Plenipotentiaries at Paris to enable them to come to a satisfactory arrangement on the subject of the Principalities, or one pleasing to the inhabitants. The noble Earl said that a Divan was to be called to express the wishes of the inhabitants, then a Commission was subsequently to be formed, and that references were to take place from one to the other; which would lead to endless confusion. This is not a correct statement. The Commission is not to be subsequently appointed, but is to be ready to confer with the Divan representing the wishes of the people. The noble Earl said that he would reserve his animadversion on another part of the proceedings, and then went on in every possible way to discredit what had been done by Her Majesty's Plenipotentiaries, in regard to the maritime law. Whenever that question may come on for discussion we shall be able to show the noble Earl, who is such a stickler for precedent, that the Government strictly followed the precedent invariably set with respect to treaties or conventions with foreign nations, and would show, moreover, most triumphantly, that what was thus settled would not only be an immense advantage to mankind, but would be most especially beneficial to the interests of this country. It was said by the noble Earl that nothing could show more the greatness of the nation and the incapacity of the Administration than the events of the late war. Now, as to the former, I freely admit that the steadiness and determination of this nation during the war, and its calmness and good sense now that we are in the enjoyment of the blessings of peace, have been beyond all praise; but with regard to the incapacity of the Government, I must say it was most extraordinary that, to prove the incapacity of the Administration, the noble Earl should have taken as his illustration one of the greatest armaments which this country was ever able to produce. The noble Earl concluded by stating that he could not regard the treaty with feelings of joy or satisfaction, and I am grateful to the noble Earl that, while entertaining that opinion, he shrinks from taking a division on the Address. I conclude that the noble Earl had some fear that he should not have many noble Lords on his side if he were to divide the House; he had probably assumed that the contrary would be the case, as he had in the case of "the fall of Kars," and had in vivid recollection what took place elsewhere in that matter, and feared the same result in this House. In conclusion, I congratulate my noble Friend the Foreign Secretary on what has taken place this evening. Considering all the difficulties of his position, to have restored the inestimable blessings of peace to Europe, and to have fully and amply, at the same time, carried out all the objects of this great war, without leaving any embittered feeling on the part of any of the nations of Europe, is a triumph he may well be proud of, and it is one which will not in the slightest degree be affected by any of those little objections to details which have been urged this evening.

The Earl of ABERDEEN: My Lords, it is not my wish or intention to enter into any details of the treaty; but I wish to say that, as no man ever more earnestly desired than myself to prevent the calamities of war, none can now more cordially rejoice in the restoration of peace. I rejoice that the warlike reputation of my noble Friend now at the head of the Government has rendered it possible to make a peace wise and honourable in itself, but which, if it had been made under my auspices, might, perhaps, have produced discontent and excited serious reprehension. I think the peace wise and honourable to Her Majesty's Crown. It is not, indeed, of the triumphant character of that treaty which it was my good fortune to sign in the same capital some forty years ago; that was a moment of unexampled glory and success, but the present treaty is one which amply fulfils the objects for which the war was undertaken, and such therefore as ought to be satisfactory to every reasonable man. I entertain no doubt that, whatever may be the criticisms which we hear now on the terms of pacification, this treaty will meet with the approbation of the country; for it is a remarkable circumstance in the history of the last century, that all our treaties of peace, however unpopular and objected to at the time they were made, have always, ultimately, been sanctioned by the deliberate opinion of posterity. There could not be a stronger instance of this than the declaration of Mr. Pitt, which I very well remember to have heard him make, that he thought the treaty of Utrecht a very good one, but it had been much disfigured and misrepresented for party purposes. My noble Friend on the cross benches (Earl Stanhope), who has done so much for the history of his country, has described wisely and justly the treaty of 1763, looking at it from this distance of time; but if he had lived in those days, he would, very probably, have entertained the same opinions as his illustrious relative, Lord Chatham, who described it as a treacherous, insecure, and disgraceful capitulation. But not only have all treaties of peace during the last century, however much objected to at the time, been acquiesced in, but they have been ultimately approved by posterity. I will go further and say, that with regard to wars, the operation which has taken place has always been the converse. Wars which have been extremely popular when they were undertaken have, by the verdict of posterity, been less favourably judged. The most popular war in which the country was ever engaged—truly a war of the people, as the late war has sometimes been called—was that one into which Sir Robert Walpole was reluctantly dragged. I believe there is no one who will now hesitate to declare, that it was one of the most unjust and unnecessary wars this country ever engaged in. It is but natural, that when the passions of men are excited, they should not be able to judge of events as coolly as after those events have passed away—and, consequently, wars which have been popular when entered upon, have been looked upon with different conclusions when the passions have passed away. I will not undertake to say, that the war in which we have recently been engaged, will have the same fate as its predecessors. I never felt the slightest doubt respecting its justice; and, although the policy of a war must always be more or less a subject of debate, we have every reason to believe that the universal judgment of the country upon it was clearly pronounced. At the same time, I will not undertake to say, that our posterity may not come to a different conclusion, both as to its necessity and its justice. [Earl Grey: Hear, hear!] Some noble Lords have, I know, anticipated the verdict of posterity. But, however reluctant I was, and no one could be more reluctant, to engage in the war, I cannot deny that it was justified by the great interests of the country. My noble Friend (the Earl of Clarendon) has fully carried out a declaration which I had great satisfaction in hearing him make shortly before his departure for Paris. My noble Friend said that the peace, in order to be durable, must be honourable to all the parties concerned in it; and I think that the present treaty answers that description, that it is honourable, not only to the Allies, but also to the Power with whom they were at war. I will not trouble your Lordships by referring to it in detail, but there are one or two Articles, with respect to which I wish to obtain some explanation. In the first place, I do not perfectly understand what will be the operation of the Article with respect to what is called the neutralisation of the Black Sea. Russia and Persia might easily enter into an agreement with respect to a sea situated like the Caspian, or we may agree with the United States to regulate the military force in the American Lakes, but the Black Sea is open to all the world. The neutralisation clause sounds well, and consecrates what appears to be a good principle; I should like to see the Mediterranean also neutralised, but that would be impossible, and I am afraid it will be found practically impossible to neutralise the Black Sea. The clause must either give enormous advantages to Russia, or it must be inapplicable. The Turkish fleet can enter the Black Sea when it pleases, it will be prevented from doing so merely by the obligation of the treaty; but if Russia ever had reason to apprehend an attack by the Turkish fleet, and applied to you, what are you to do? You must either guarantee her from any such attack, or you must allow her to make preparations for her own defence. Either, you guarantee Russia from an attack by the Turks, or your neutralisation comes to nothing. You say it is not probable that Turkey will attack Russia. Perhaps not, under ordinary circumstances; but we cannot tell what combinations may hereafter take place, which may give Turkey the means and the inclination to attack Russia. My noble Friend at the head of the Government has, over and over again, stated that the war ending in the Treaty of Adrianople was provoked by the Turks, and that they were entirely to blame. I do not say that this opinion was correct, but at least such a contingency is not impossible.

I also wish for some explanation with respect to the Article which refers to the act of the Sultan conferring rights and privileges upon his Christian subjects. No one can rejoice at that act more than I do, or can give more credit to Lord Stratford for the great ability he displayed in obtaining it. It leaves nothing to be desired. I find that the hatti-sheriff is communicated by the Sultan to the Conference at Paris; but that body, while not undervaluing the importance of the document, declares it to be clearly understood that it does not give to the European Powers a right to interfere, either individually or collectively, in the relations of the Sultan with his subjects, or in the internal government of his dominions. That makes the hatti-sheriff of less value than it might be, because it precludes the contracting Powers from interfering in its execution, and that prohibition is included in the treaty of peace itself. Now, I know enough of Turkey to be aware that, without the constant superintendence of the other Powers to secure its execution, the hatti-sheriff will not be worth the paper on which it is written; and if they be prohibited by treaty from interfering, the Christians will be worse off than before. I may appeal to my own experience. Ten or twelve years ago, when I was at the Foreign Office, a Christian turned Mahomedan, but repented shortly after, and resumed his former religion. They put him to death. The same thing was done more than once. Upon that I insisted that the law should be abolished. They said they would be ready to abolish any human law, but this was a Divine law, and they could not meddle with it. However, I persevered, and at last, by means of Lord Stratford de Redcliffe, obtained the abolition of the law. But, like all other Turkish engagements, it was not adhered to, for I believe that several persons have been murdered since for the same offence. Although I had no hatti-sheriff, I did not hesitate from interfering authoritatively to put a stop to such an abominable practice. I believe this treaty would have prevented me from doing so, and it will prevent my noble Friend, whatever his own wishes may be, from interfering to put an end to abominations that still exist in Turkey. No man could value more than I do the provisions of the hatti-sheriff, but it appears to me that its efficacy is completely destroyed by that passage in the treaty which declares that the contracting Powers should not be entitled to interfere with its execution or with any of the internal affairs of the Sultan. Perhaps the noble Earl the Secretary for Foreign Affairs, will be able to give some explanation of this. I have no doubt that should Lord Stratford remain at Constantinople, he will take care to have the hatti-sheriff put in execution; but, suppose Turkey were to call in the aid of Russia to prevent your interference in its internal government, would Russia not have a right to oppose your proceedings as contrary to the engagements of the treaty of peace? I trust some explanation will be given to us upon the point to which I have thus briefly referred. Upon the whole, however, I think the treaty is all we could expect—honourable to Her Majesty's arms, and creditable to the noble Earl, whose wise and conciliatory conduct of the negotiations helped to secure it.

LORD COWLEY: My Lords, it is with extreme diffidence that I present myself before your Lordships. Personally unknown to the great majority of you, and speaking for the first time in public, nothing but a sense of duty could have induced me to rise on the present occasion; but, having been engaged in the negotiations at Paris, and having put my name to the treaty now under consideration, I think I should be almost wanting in respect to your Lordships if I did not trouble you with a few observations. I shall confine myself to the two questions asked by the noble Earl who spoke last. First, with regard to the neutralisation of the Black Sea; the noble Earl inquires whether, in the event of Turkey making an aggression upon Russia, the Allies would go to the assistance of the latter. That point was discussed in the Conferences, and it was laid down as a general rule that if either party violated the conditions of the treaty, the Allies would go to the assistance of whatever party required their help. But if the noble Earl will read the treaty, he will find that the case he puts can hardly arise, because the parties to the treaty bind themselves not to commit any act of aggression without giving the other Powers an opportunity of meeting the difficulty. With regard to the second question—the execution of the hatti-sheriff—it was not the intention of the Congress to limit the power of diplomatic interference—that is expressly stated—but to prevent the Government of the Sultan being constantly harassed by applications from foreign

Powers with regard to the internal affairs of the empire. The noble Earl (the Earl of Aberdeen) may have an opportunity of making any inquiries on this point from the Grand Vizier, who will shortly be in England, and who will, I am sure, be ready to give him every information. I have only to remark upon the general question that I think the treaty has been discussed this evening too much as if England had been the only party on one side, and Russia on the other. It should be remembered that other Powers were engaged in this transaction—that we were not alone—and that, in fact, from the day on which we entered into the alliance with France we practically gave up our right to independent action, both in reference to the operations of war and to the negotiations for peace. With regard to the operations of war, I think that if we had been able to have an undivided command in the field we might have stood in a much better position than at present. That, also, is more or less true with regard to the negotiations for peace:—We were obliged to take into consideration the wishes and ideas of the other Powers that went along with us in the negotiations, and could not act entirely on our own. Nevertheless, I believe the treaty is a good and honourable one, worthy the acceptance and approval of your Lordships, and the approbation of the country at large.

EARL GREY: My Lords, though I did not intend to take any part in this debate, I cannot allow it to close without expressing my entire dissent from the observations of the noble Earl opposite (the Earl of Derby) with regard to that modification of the maritime law which our Government have so wisely accepted. So far from agreeing with the noble Earl upon that subject, I feel deeply grateful to the Government and to the Plenipotentiaries of the various Powers represented at Paris for having adopted what I believe to be one of the greatest advances made for a long course of years in the progress of civilisation and humanity. I am persuaded that we have acted rightly in giving up the powers which we formerly exercised against neutrals at sea in no very gentle or creditable manner. Does any man believe, looking at the present state of the world, that those odious and intolerable powers, pressing so unjustly upon neutrals and innocent persons, could be now exercised by any of the great Powers without involving ourselves in hostilities with all the maritime nations of the world? We have, therefore, great reason to rejoice that now, when it can be done without any suspicion of our being overawed by other nations, we are enabled to give up voluntarily powers which we could not put in execution without the extremity of danger. I say, moreover, that England, the greatest commercial country in the world, will gain more than any other from this new principle of maritime law. I confess I heard with extreme astonishment from the noble Earl that he objected to the manner in which this alteration has been made. If there is one principle of the constitution more clearly recognized than another, it is that the Crown acts on behalf of the nation in its relations with all foreign countries; that it is for the Crown to contract such engagements as it thinks fit, and that Parliament has the right to censure the servants of the Crown for any improper advice which they may give. Our constitution does not resemble that of the United States, where treaties entered into by the Executive must be ratified by the Senate; but in this country treaties entered into by the Crown, and ratified by the Crown, are binding upon the country, whatever may be the opinion of Parliament. This country has, at various times, by treaties with Sweden, Holland, and other States, consented to a temporary or permanent modification of the rights it possessed by maritime law; and these objects were effected, not by the authority of Parliament, but simply by treaties ratified by the Crown. The noble Earl below me (the Earl of Aberdeen) has referred to the hatti-sheriff, as it is called, which the Porte has granted to its subjects. My noble Friend went into the general question of the policy we are pursuing towards Turkey; and I think from the answers which were given to his inquiries by the noble Lord who followed him (Lord Cowley) that we have reason to form very alarming anticipations with regard to the future. Now, what are the facts with regard to this hatti-sheriff? I find it stated in the treaty that the contracting Powers recognize the value of the firman, but state that it cannot give them the right to interfere, in any case, in the relations of the Sultan with his subjects. When I read that article, I thought, like my noble Friend, that it would place Turkey in a position very different from that which she has hitherto occupied. I know that the

Governments of this country have, for many years, been in the habit of interfering with respect to the treatment of the Christian subjects of Turkey; I know that this very hatti-sheriff was not the voluntary act of the Sultan, and it is a farce to speak of it as if it were so. It was, in fact, a measure extorted by the Ambassadors of England and France, in consequence of the weakness and inability of the Sultan to resist demands so pressed upon him; but when I saw the statement in the treaty that the firman gave the contracting Powers no right of interference on matters concerning the internal Government of the Sultan, I thought that Turkey had made a great step in advance, and had obtained an independence which she never before possessed. The explanation which has been given, however, completely destroys that idea, for we are told it is distinctly understood that the Article does not limit the right of diplomatic interference, and what other interference could there be? We are, then, in this situation:—Turkey has passed certain laws with regard to her Christian subjects, and if any abuse of these laws takes place we are to bring diplomatic pressure to bear upon the Sultan. Now, what will be the consequence? The hatti-sheriff has been panegyrized in very glowing terms, and noble Lords on both sides of the House have expressed a high opinion of its extreme importance; but if the enforcement of the firman is left to Turkey, it is not worth the paper upon which it is written. The regulations of the hatti-sheriff are directly opposed to the religion of the Koran, and in such cities as Bagdad or Damascus, where there is a bigoted and numerous Mussulman population and a small Christian population, do you think it is possible that the Pashas or Turkish authorities can attempt to place Christians upon an equal footing with Mussulmans? I have been told, indeed, that when the hatti-sheriff arrived at Bagdad the Pasha took to his bed in sheer despair at the impossibility of carrying out a law which he had no means of enforcing. The Christians themselves are alarmed at any attempt to enforce such laws, because they know that if a Government so weak as that of Turkey endeavoured to put laws of this description in force in distant provinces, the passions of the bigoted Mussulman population would be so strongly excited against the Christians, that they would probably suffer far more from direct violence than they had done from the operation of the old Turkish laws. I am persuaded that the whole system of hatti-sheriffs is an attempt to accomplish an impracticable object, for you cannot make people like the Christian and Mahomedan subjects of Turkey live together amicably by such means. It is admitted, I believe, that this law will be entirely nugatory unless it is supported by diplomatic interference. The result will be, then, that every Pasha will find, in carrying on the ordinary government of his province, that the consuls of European nations are viceroys over him. Every act of the Pashas will be reported to the Ambassadors at Constantinople, and they will be in constant dread of being recalled. Every man who has, or fancies he has, a grievance, and every personal enemy of a Pasha, will apply to the consuls. The English and French consuls may probably take different views of the same case, and the result will be to produce throughout the provinces of Turkey a state of absolute anarchy. I know that it is very shocking to contemplate the misery and evils that would prevail in Turkey without European interference; but, with the full knowledge of those abuses, I say deliberately that I am persuaded you do more harm than good by these attempts at interference. Anarchy is worse than tyranny, and nothing but anarchy can result from an attempt to divide authority between the diplomatic agents of foreign Powers and the native officials. I think the importance of this subject is not duly appreciated. We call upon Turkey to admit her Christian subjects to an equality of rights and privileges with her Mahomedan subjects. Now, is it possible for any Government to rule with mildness and equality subjects whose affections it does not possess, who regard it with feelings of bitter hostility, and who look forward with anxiety to the time when they may be able to contribute to its overthrow? Are not these the feelings of the Christian subjects of the Porte, and were they not manifested during the late war? Was it not solely by the intervention of the British and the French that an insurrection in the European dominions of Turkey was prevented from becoming general, and probably successful? It is impossible, after 400 years of the most galling tyranny, that any other than the most hostile feeling towards their oppressors can exist in the minds of the Christian population of Turkey; and therefore, I say, that to ask the Government of the Porte to admit this portion of its subjects to an equality of rights and privileges with the Mahomedans is to make a demand upon it which it is not in its power effectually to concede; and it is vain to imagine that the system you seek to establish can ever practically work. This was one of my main objections to the original policy of the war—objections only the more confirmed by all that has since occurred. The contest, undertaken ostensibly to uphold the independence and integrity of the Ottoman Empire, has, in my opinion, tended greatly to accelerate that inevitable and rapidly approaching issue—the dismemberment and dissolution of Turkey as a Mahomedan State. Entertaining that conviction, I extremely regret the Additional Treaty laid on the table on Friday last, the assent to which is an act of the greatest imprudence, binding this country, as it does, without any limitation of time or restriction as to circumstances, to prop up and sustain a crumbling and doomed empire, a burden which no strength can bear. In conclusion, I cordially concur in thanking the noble Earl (the Earl of Clarendon) for the manner in which he has fulfilled the pledge that he gave to this House before he undertook his mission to Paris; for I believe that we owe him a debt of gratitude for having powerfully contributed to the termination of the calamities of war.

The **Duke of ARGYLL** admitted that the clause of the treaty relating to the hatti-sheriff promulgated by the Porte by no means solved the difficulties inseparable from the rule of a Mahomedan Government over a Christian population; but wholly dissented from the opinion of the noble Earl who preceded him, that that stipulation added to the dangers inherent to such a state of affairs. On the contrary, he thought it would diminish them. The hatti-sheriff of the Sultan contained a detailed enumeration of the various rights and privileges to be enjoyed by his Christian subjects, guaranteeing their continuance for the future; but it as distinctly declared that the issue of that instrument did not authorise any other Power to interfere with the internal administration of his dominions. The noble Earl (Earl Grey) forgot the danger against which we were guarding. We never objected to the *bonâ fide* interposition of Russia to protect the Greek Christian in the interest of religious toleration, but we conceived that that plea had been used by Russia as a pretext for usurping a practical right of interference with the internal government of the Ottoman Porte. He was glad to have the approval of the noble Earl to the resolution come to by Her Majesty's Government to give up the maritime doctrine so long maintained by this country, and to sanction the principle that henceforth all property, save contraband of war, should be protected by neutral bottoms. The Government were not fairly open to the censure of having taken this step in an illegitimate or unconstitutional manner.

Lord CAMPBELL said he could not forbear to express his deliberate opinion that the new convention respecting maritime rights had been agreed to in a strictly constitutional form. There could be no doubt that the prerogative of the Crown extended to the adoption of such a stipulation without the previous consent of Parliament. Such had hitherto been the practice of the constitution, and such he hoped it would ever remain. Unquestionably it was the law of nations that neutral bottoms did not make neutral goods, and that belligerents had the right of seizure; but this was a right which could not now be enforced, and he exceedingly rejoiced at the change that had taken place, which would confer an inestimable blessing on the civilized world.

On Question, that the Words proposed to be left out stand Part of the Motion, it was *Resolved* in the *Affirmative:* Then the said Address was *agreed to;* and a Committee was appointed to prepare the Address: The Committee withdrew; and, after some Time, Report was made of an Address drawn by them, which, being read, was *agreed to;* and Ordered to be presented to Her Majesty by the Lords with White Staves.

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return Your Majesty our sincere Acknowledgments and Thanks for the important Communication which Your Majesty has been graciously pleased to make to this House, of the General Treaty concluded at Paris on the Thirtieth of March, between Your Majesty, The Emperor of Austria, The Emperor of the French, The King of Prussia, The Emperor of Russia, The King of Sardinia, and The Sultan, by which Peace has been re-established between Your Majesty, The Emperor of the French, The King of Sardinia, and The Sultan, on the one hand, and The Emperor of Russia on the other.

"WE humbly assure Your Majesty, that, while we should have deemed it our Duty cheerfully to afford Your Majesty our firm Support if it had unfortunately been found necessary to continue the War, we have learnt with Joy and Satisfaction that Your Majesty has been enabled to re-establish Peace on Conditions honourable to Your Majesty's Crown, and which fully accomplish the great Objects for which the War was undertaken.

"WE beg leave to express to Your Majesty the great Satisfaction which we feel at finding, that while those Alliances which have so mainly contributed to the vigorous and successful Prosecution of the War have been equally effective in the Consolidation of Peace, Powers which have not taken an active part in the War have combined with the Belligerents to give additional Firmness to the Arrangements by which the Repose of Europe is in future to be protected from Disturbance.

"WE beg leave to state to Your Majesty that we rejoice, that, notwithstanding the great Exertions which the late War has rendered necessary, the Resources of the Empire remain unimpaired.

"WE humbly express our Hope, that the Peace which has now been concluded may, under the Favour of Divine Providence, long continue to shed its Blessings over Europe, and that Harmony among Governments, and friendly Intercourse among Nations, may steadily promote the progress of Civilisation, and secure the Welfare and Happiness of Mankind."

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 5, 1856.

MINUTES.] PUBLIC BILLS.—1° Registration of Voters (Scotland); Industrial and Provident Societies; Transfer of Works (Ireland); Pawnbrokers.

LEGAL EDUCATION—QUESTION.

MR. NAPIER said, he would beg to ask the Secretary of state for the Home Department whether any steps had been taken by the Government to carry into effect the recommendations for the improvement of legal education which were contained in the Report of the Commissioners appointed to inquire into the Inns of Court?

SIR GEORGE GREY said, he felt that the recommendations in question were entitled to very great weight: but at the same time he could not say that any step had yet been taken by Her Majesty's Government for the purpose of carrying them into effect.

POSTAL COMMUNICATION TO BANDON—QUESTION.

VISCOUNT BERNARD said, he wished to ask the Secretary to the Treasury whether it was intended to make any alteration in the present mode of conducting the postal communication in the county of Cork, and to make use of the Cork and Bandon Railway for the conveyance of the mails?

MR. WILSON said, that, as he had already stated during the course of the last Session, the Cork and Bandon Railway Company demanded for the conveyance of the mails along their line a sum which was considered disproportioned to the service to be performed, and the line could not, therefore, be used for that purpose.

NIGHT COFFEE-SHOPS—QUESTION.

MR. BRADY said, he wished to ask the Secretary of State for the Home Department if he intended introducing any measure in accordance with the recommendation of that part of the Report of the Committee (which sat in 1853) "to examine into the system under which public-houses, hotels, &c., were regulated" which related to night coffee-shops, with the view to their being in future closed at proper and stated hours, many of which were now open through the night as harbours of refuge for abandoned characters of both sexes?

SIR GEORGE GREY said, that Report had referred to a variety of matters, among which was the subject mentioned by the hon. Gentleman. In order to carry out the recommendations contained in that Report, it would be necessary to obtain an Act of Parliament, and, as yet, no measure for the purpose had been prepared.

DOLLY-SHOPS AND LEAVING-HOUSES—QUESTION.

MR. BRADY said, he wished to know if the attention of the hon. Secretary to the Treasury had been called to a report of what had been stated by Sir Robert Carden in the Police Court over which he presided. The hon. Gentleman, had, on a previous occasion, denied that Sir Robert Carden had made a communication to the Government upon the subject of certain books which he had detained belonging to the keeper of one of those leaving-shops, and since that denial Sir Robert Carden had again reiterated his statement.

MR. WILSON, in reply said, his attention had been directed to the police reports on Saturday last by the hon. Gentleman, and it appeared from them that Sir Robert Carden did state that he had communicated with the Home Department with regard to this subject, but when he (Mr. Wilson) answered the hon. Gentleman's question the other evening, the only thing he knew was that the solicitor to the Board had not, up to within an hour of that time, received any communication from Sir Robert Carden. But that morning he had made inquiry, and found it was quite true what Sir Robert Carden had stated, that he had made a communication, but that fact was unknown both to that Gentleman and to himself. As to the second question put by the hon. Gentleman with regard to unlicensed pawnbrokers, he stated that he had already a Bill prepared on the subject.

RIOTS IN DEMERARA—QUESTION.

MR. MAGUIRE said, he begged to ask whether it was true that, in consequence of fanatical harangues made in the streets of Georgetown, Demerara, by a stranger, named Orr, from another country, riots and disturbances had taken place, and the persons and properties of peaceable inhabitants had been injured; and if so, whether any steps had been taken to prevent a recurrence of such scenes?

MR. LABOUCHERE said, he was sorry to say that it was quite true that outrages of a serious and disgraceful nature had been perpetrated in that colony, on the part of the lower classes of the coloured population, directed against the persons and property of a very valuable class of the community, the Portuguese, who had lately emigrated in considerable numbers from Madeira. It was also true that those disturbances originated in harangues made by a person who had rendered himself notorious in other places against the Roman Catholic religion; but it was perfectly well known, that although those harangues were made the pretext for those disturbances they were not the real cause. The real cause, he had no doubt, was the jealousy entertained by the lower classes of the coloured population against the Portuguese emigrants, for their superior good conduct, which had thrown the retail trade of the colony almost entirely into their hands. The Governor, with the assistance of the Council, had taken the most prompt and effectual means to suppress those outrages and to punish the perpetrators, and in considering measures which he trusted would prevent their recurrence. The Government had to acknowledge the assistance rendered by a French and a Dutch vessel of war, which happened to be in those waters at the time and rendered very prompt and useful assistance in repressing those outrages.

CONVEYANCE OF TROOPS FROM THE CRIMEA—QUESTION.

CAPTAIN SCOBELL said, he wished to ask the First Lord of the Admiralty if it had yet been determined whether some of Her Majesty's line-of-battle ships, frigates, or smaller vessels of war, now lying unemployed in the home ports or in those abroad, should assist in embarking and bringing away from the Crimea the troops, or cannon, munitions of war, and other stores, being public property?

SIR CHARLES WOOD said, that two or three vessels of war had been ordered to the Crimea to bring home troops; but it was not intended that ships of war should be employed to any extent in that service.

SOLDIERS' KITS LOST IN THE CRIMEA—QUESTION.

CAPTAIN SCOBELL said, he would now beg to ask the hon. Under Secretary for War whether the soldiers who, without blame on their parts, lost their kits at the time of landing in the Crimea, or at any subsequent period, had been or would be allowed compensation for the same?

MR. FREDERICK PEEL said, that the soldiers who had lost their kits in the Crimea, without any fault on their parts, would be entitled to compensation for that loss.

THE WHITSUNTIDE RECESS—QUESTION.

SIR JOHN TROLLOPE said, he wished to put a question to the noble Lord at the head of the Government with respect to the adjournment of the House for the Whitsuntide recess. He believed the House would receive with great satisfaction the announcement that the adjournment was to extend from Friday next to the Monday week following; and he wished to know whether the noble Lord would give his assent to such an arrangement?

VISCOUNT PALMERSTON said, he only proposed that the House should adjourn from Friday to Friday, and he thought it would be a pity that they should at that period of the Session lose a Friday evening. But, at the same time, if the House out-voted the Government upon the subject, the Government would be competent to submit to their decision.

RELATIONS WITH THE UNITED STATES—QUESTION.

SIR BULWER LYTTON said, he had already given notice of a Motion with respect to the correspondence recently laid before the House connected with Central America. Before, however, he moved the Resolution on this subject which was at present on the paper, he would ask the noble Lord at the head of the Government, first, whether any answer had been received to the proposal of arbitration submitted to the Government of the United States; and, secondly, if that answer had not been received, whether the noble Lord was of opinion that the discussion of the question next Friday might be premature, or in any way prejudicial to the progress of negotiations? It would depend upon the answer of the noble Lord whether he would go on with his Motion on Friday or, in order to give greater time for the reply of the United States' Government, postpone the discussion until after Whitsuntide.

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have not yet received any reply to the proposal made to the United States' Government, that the questions connected with Central America should be referred to arbitration, though I should hope that an answer will very shortly be received, either consenting or giving reasons for declining that proposal. Of course, it is not for me to presume to throw out any suggestions in order to influence hon. Members in the performance of their Parliamentary duty, but still, as the hon. Baronet has had the goodness to submit his views, I am bound to say that I think, with a view to national interests in a question pending between this country and the Government of another country, that while a proposition, such as that of referring the dispute to arbitration is yet unanswered, those national interests will be best consulted if this House abstains from entering into a discussion of a question of this delicate nature until the answer of the United States' Government, one way or the other, has been received. If, therefore, the hon. Baronet, in the exercise of his discretion, should postpone his Motion to a later period after the holidays, I confess I think he would be exercising a sound judgment in the matter.

SIR BULWER LYTTON: Sir, after the observations of the noble Lord, I shall postpone my Motion until after the Whitsuntide holidays, but I earnestly hope that no very great delay will take place in the discussion of the question.

THE TURKISH TARIFF—QUESTION.

MR. WISE said, he would beg to ask the First Lord of the Treasury whether there was any prospect of such a revision of the tariff, appended to the commercial treaty with Turkey of the 16th of August, 1838, as might lead to the abolition of the duty of twelve per cent on grain and pulse exported from Turkey to this country; and what was the existing position of the British merchants with reference to the exportation of grain from the Principalities of Wallachia and Moldavia.

VISCOUNT PALMERSTON: Sir, there was concluded between this country and Turkey, in 1838, a convention regulating the duties of export and import in Turkey. With regard to export, the ancient duty of three per cent was confirmed and continued. Previously to that there had been a great number of fluctuating and oppressive internal duties levied upon Turkish produce, bought by British subjects for exportation—duties varying in amount and liable to arbitrary fluctuation. Those rates were commuted at that time for a fixed duty of nine per cent, which, added to the fixed duty of three per cent, made a total of twelve per cent; but instead of leaving that export duty of nine per cent to be levied *ad valorem* upon the fluctuating value of the commodity, either at the port of embarkation or the place of purchase, it was agreed that a fixed tariff should be established declaring for seven years the value of each commodity, upon which value the nine per cent was to be levied. This tariff has been revised from time to time, and at the present moment the two Governments might, by the existing agreement, again revise it; but Her Majesty's Government has not thought it expedient to enter into that revision while prices were artificially raised by a state of war. The hon. Member is too well informed on these subjects to render it necessary for me to point out to him the circumstances which would not render that revision at the present moment particularly desirable. With regard to the Danubian provinces, I have to state that they regulate their own Customs' duties, and I believe at present there is no other duty levied upon the export of grain from those provinces except the duty of three per cent. The Turkish tariff does not apply to the Danubian provinces.

Mr. ROEBUCK said, he was induced by certain reports, which had obtained circulation on the subject, to ask the noble Lord if the Turkish Government ever offered to Her Majesty's Government to do away with the internal duties upon the transport of goods?

Viscount PALMERSTON: I am not aware that any offer has been made by the Turkish Government on the subject, except one for the commutation established by the treaty I have just mentioned.

THE WHITSUNTIDE RECESS—QUESTION.

Sir JOHN TROLLOPE said, that seeing the course taken by the hon. Baronet near him (Sir B. Lytton) left Friday next in the hands of the Government, he would beg to ask the noble Lord for an explicit answer as to whether he would not accede to the adjournment of the House from Friday till Monday week?

Viscount PALMERSTON was understood to say, that if hon. Members wished to adjourn until the Monday they must divide the House on the subject.

BUSINESS OF THE HOUSE—QUESTION.

Mr. HENLEY said, he would beg to ask what business the Government proposed to take on Friday next?

Sir GEORGE GREY said, they would go on with the Committee on the Police Bill.

Mr. HENLEY: And if that should not occupy the whole night?

Sir G. GREY: In that case my right hon. and learned Friend the Lord Advocate will move the second reading of the Scotch Education Bill.

Mr. MILNER GIBSON said, that as Friday next had been restored to the Government, he thought it not improper upon his part to claim that day from them for the consideration of the Oath of Abjuration Bill. He had waited very patiently from time to time, for a day on which he could proceed with that measure, and as Friday seemed to be going a begging to some extent, he wished to ask the noble Lord at the head of the Government whether he would place that day at his disposal?

Sir WILLIAM CLAY said, that before the noble Lord answered that question, he felt bound to put in his claim to that day for the consideration of the Church Rates Bill.

Viscount PALMERSTON said, that Friday had been already engaged by his right hon. Friend the Secretary for the Home Department for the Police Bill. He would endeavour to give his right hon. Friend the Member for Manchester (Mr. M. Gibson) another day for the consideration of the Oath of Abjuration Bill. He thought that Bill, relating as it did to their own internal constitution, had a prior claim on their notice to the Church Rates measure.

DISBANDING OF THE ARMY AND MILITIA —QUESTION.

Lord ROBERT GROSVENOR said, he would beg to inquire of the noble Lord at the head of Her Majesty's Government whether any plan was under consideration for the gradual disbanding of the army and militia, so as not to throw upon the country a great amount of unemployed labour at one period, as was done in 1814 and 1815, and thus to incur similar distress to that which was prevalent at that time?

Viscount PALMERSTON said, that of course Her Majesty's Government would endeavour to arrange those matters in such a manner as would be least inconvenient to the community at large. His noble Friend must, however, remember that the militia could not be kept embodied for any very considerable time after the conclusion of peace. It was desirable also, with a view to agricultural employment, that the men forming the militia regiments should be disembodied at such a time as would enable them to fall back into the natural course of their industry in their respective counties about the time of harvest. With respect to the army, that portion which was abroad would not return for several months to come, and then would come to this country in successive detachments, so that no difficulty would arise from the reductions that it might be necessary to make in the respective regiments.

THE GENERAL THANKSGIVING DAY.

VISCOUNT PALMERSTON: Mr. Speaker, I rise to make a proposal which I feel confident the House will agree to, namely, that the thanks of this House be given to the Rev. Thomas Garnier, who preached before us yesterday. I am sure that those who had the advantage of hearing that admirable discourse must have appreciated the sound judgment, good taste, and good feeling with which that sermon was delivered, and that the House will only be doing its duty in awarding a vote of thanks to their rev. chaplain for the same.

Resolved, *Nemine Contradicente*, That the Thanks of this House be given to the Reverend THOMAS GARNIER, Chaplain to this House, for the Sermon preached by him yesterday before this House at Saint Margaret's, Westminster, and that he be desired to print the same.

THE TREATY OF PEACE.

MR. EVELYN DENISON said, he rose to propose that the thanks of the House be returned to Her Majesty for Her gracious communication to the House upon the subject of the Treaty of Peace concluded at Paris on the 30th of March last. He craved the indulgence of the House, of which he had great need, for the performance of this task. He would promise to compress what he had to say into a narrow compass, and he would endeavour to avoid all topics calculated to excite unnecessary difference, being anxious to conciliate for his Motion the largest possible amount of general accord and support. It was but two short years, however replete those years may have been with great events and deep anxieties—it was but two years since a communication was made from the Throne to that House, calling upon the House for its support on the out-break of the war. At that time, how dark and uncertain did the future appear! He would ask hon. Gentlemen to go back to the time when the first detachment of Guards sailed for Malta. How various, then, were the speculations of men! Some said, "You are going to engage in a war, of which the youngest man now living will, perhaps, not see the conclusion:" others said, "Are you going to desert your native element, and to engage in a contest on land with a nation that possesses 1,200,000 trained soldiers?" Others, again, were satisfied, "That the extent of our operations would be the establishment of an entrenched camp for the defence of Constantinople at the last extremity." If, at that period, some one had appeared amongst us, possessing a power of penetrating the secrets of futurity, and if that person had said, "No, that is not the destiny of your army; that army is destined, in conjunction with the army of France, not to establish an entrenched camp at Constantinople, but to throw itself boldly on the enemy's shores, to engage the redoubtable army of Russia in its chosen position, to fight two great battles, to gain two great victories, to beleaguer the stronghold of Sebastopol, and then, when all question of surprise was at an end, to engage the enemy in a desperate and protracted struggle; your army shall endure great sufferings, which shall only serve to exhibit in stronger relief its heroic endurance, and after a dreadful conflict, and not on the first assault, the devoted fortress shall fall; you shall capture 3,800 pieces of cannon—that great fleet which has so long been the terror of the East shall sink beneath the waves; in the North, the strong fortress of the Aland Islands shall fall into your hands; you shall sweep the northern seas; you shall carry terror to the walls of St. Petersburg; and, at length, after two years, a peace shall be concluded at Paris, by which all the great objects of the war shall be accomplished and ample security be taken for the future"—had, he said, at that time such a prediction been made, who would have given it credence? Who would not have said, "May it indeed be so, and God's name be praised." And now, when that, and more than that, has been accomplished, shall we regard that, which in the prospect appeared so precious, with indifference? Shall we undervalue the great exploits of our army and navy? Shall we be slow in expressing our thanks to the great Disposer of events? When he said that this, and more than this, had been accomplished, he did not speak of the success of the British fleet in the Sea of Azoff and the capture of the forts, showing how long was the arm and how far the reach of the British navy. He spoke rather of the moral and political results which had been achieved. They had broken the great alliance of the North—that alliance which held, not only the words, but the very thoughts of men in subjection through great part of Europe down to the heel of Italy. In the North they had shaken the hand of Russia from off the throat of Sweden. If Russia had been allowed, not only to establish herself on the Aland Islands, but to accomplish her darling object of establishing a harbour and erecting a fortress in the North Sea, Sweden would have been fixed in a vice, of which Russia held the screw, and the independence of Sweden was gone. What use had Sweden made of her restored animation? She had entered into a treaty with France and England, which had given a most effectual security against the further progress of Russia in that quarter. Among all that had been accomplished, none, in his opinion, was of greater importance or of more precious significance than this alliance between Sweden and the Western Powers. The late Emperor of Russia, the aggressor in this war, sunk under the anxieties and labours which he had brought upon himself; they had heard these remarkable words from his successor—that the public opinion of Europe had pronounced against them, and it was time to withdraw from the contest. New words, these, to be heard in the Halls of Moscow. New, indeed, this recognition of public opinion, and this concession to its power. It required no small amount of moral courage in an Emperor of Russia to give them utterance. They gave indications of moderation and of wisdom, which were good auguries for the happiness of his own subjects, and, considering the leading part which he was destined to play on the theatre of the world, they were good auguries for the happiness of mankind. He had said that the great objects of the war had been accomplished. Now what, he would ask, was the great object of the war? It was to secure the independence of Turkey and to take a pledge for the peace of Europe for the future. What was the great danger which menaced Turkey? It was the strong fortress of Sebastopol and the overwhelming fleet of Russia in the Black Sea. Sebastopol has fallen, not to be restored; the fleet has sunk beneath the waves, not to emerge from them again. The Black Sea has been neutralised; Turkey has been received under the common law of Europe; and the independence of Turkey has been guaranteed by the great Powers. All this had been effected by the exertions of the Allies. But the Sultan himself, of his own motion, had done an important act towards invigorating the resources of his own empire. He had put an end to all degrading distinctions among his subjects; he had granted equal laws to all denominations of his people; he had raised the Christians to that just position which they ought to hold. Those were great, important, and generous reforms; and any hon. Gentleman who had applied himself to the papers which were before the House could not fail to see how large a part in effecting those great reforms was due to the well-established influence of our Ambassador at Constantinople. Severe things had been said lately of Lord Stratford de Redcliffe, but the House was generous and just, and would not close its eyes to the important services which Lord Stratford de Redcliffe had rendered to his country. There was another point of no small importance which it was necessary to refer to. It was contained in the twentieth Article of the treaty, and was called the rectification of the frontier between Turkey and Russia. He liked the word "rectification." It was not a very common word. It was a word which had the same signification in English and in French. It seemed to him to imply something more than to correct the line of demarcation, and to mark out a good road from one point to another. It appeared to him to contain in it something like an acknowledgment of redress—something like a moral and material compensation to Turkey. Such a word was rather a new word, employed in a treaty between Russia and Turkey, and, if it implied, what he was happy to acknowledge, wisdom and moderation on the part of the Emperor of Russia, it at the same time implied, in significant terms, what the strength had been, which had been engaged in this contest. These things had been accomplished by England and her Allies. First and foremost by France, next by Sardinia. Our alliance with France had been proved by severe trials, by some reverses and by great successes. He trusted that the close of the war had drawn the links of the alliance more closely and intimately between the two countries. France and England had at other times learnt each to know how great was the power of the other; they had learnt to respect each other. This was the first time in history that they had learnt to trust each other; and great results had flowed from this confidence—this confidence which was mainly due to the exact and scrupulous good faith with which the Emperor of the French had discharged every obligation which he had entered into with this country. He must be allowed to say one word with regard to Sardinia, a country not equal in extent of territory or in power of resources to either of those with which she was associated, but inferior to neither in heart or in spirit. She had shown herself worthy to stand by their side, both in the battle-field and at the council table. He congratulated the able statesman who presided over the affairs of Sardinia on the success of his policy. He rejoiced that the voice of Sardinia had been heard on the subject of Italy at the Conferences at Paris. They knew that Sardinia would countenance no excesses and no extravagance. Her voice would be for well-regulated liberty and constitutional government. If for a single moment he might venture, instead of speaking in his own humble name, to speak in the name of the House of Commons, he would say that England would never forget that it was at the moment of her sharpest trial, when other nations stood by and looked on, that Sardinia cast her lot into this struggle, and that Sardinia had earned for herself the firm good will and the lasting friendship of England. Speaking for himself, he could not hesitate to say that this peace was a good and an honourable peace. It was true it had not been received with any great exultation or enthusiasm by the country. The truth was that the country was so confident in her resources, that having made great exertions, and having brought her army and her navy to the point of perfection at which they now existed, and feeling herself more ready to carry on the war than at the moment when it commenced, the country was comparatively indifferent whether the war should be carried on or whether peace should be concluded. But if the noble Lord at the head of the Government rightly represented the feeling of the country last year, when he proposed to carry the war with vigour to a successful conclusion, he believed the noble Lord no less truly represented all that was rational and solid in the country in granting to it, at the earliest moment consistent with its honour, and the accomplishment of the objects in view, the inestimable blessing of peace. He believed the country would accept the peace with joy and satisfaction, and that that satisfaction would increase from day to day. He trusted the House would justly reflect the opinion of the country upon this point. He was very anxious to keep faith with the House, and he should be most unwilling to travel into collateral matters; but there was one point which he could not entirely pass over—he meant the point which referred to a question of what might be called arbitration, or the mediation of friendly Powers in cases of difference arising in future between nations. He regretted that one of the hon. Members for Manchester (Mr. Bright) and one of the hon. Members for the West Riding of Yorkshire (Mr. Cobden) should not be present, and he still more deplored the causes of their absence. That particular clause of the treaty would, he was sure, receive their cordial approval and their warm support. It appeared to him, by giving time for angry passions to cool and for reflection to operate, to throw round peace an additional bulwark, and to set a new landmark in the progress of civilisation and humanity. Our thanks for this, as well as for many other objects accomplished by the treaty, were mainly due to the talents and perseverance of our chief Plenipotentiary, Lord Clarendon. Those qualities of the noble Lord had received a distinguished compliment before the assembled delegates of Europe in the Hall of the Tuileries, and he was sure that the House of Commons would not be slow to mark its sense of the services which Lord Clarendon had performed to his country. He would not enter upon other points connected with this treaty. He had already said he thought the peace a good and honourable peace. The noble Lord at the head of the Government, in carrying the war to a successful issue, had had his great reward. He believed that the people of England would receive from his hands with equal satisfaction the peace which was now offered to them, and in the confidence that the House would reflect the general sentiment, and cordially thanking them for the attention which they had bestowed upon him, he asked, not without confidence, their support to the Motion which he had the honour to propose.

MR. H. HERBERT said, that in seconding the Address which had just been so ably moved by the hon. Member for Malton, he could assure the House that he deeply felt the necessity of asking their indulgence, as the only claim which he could put forward, was not that he was able to say anything worthy of the occasion, but that he was not in the habit of trespassing upon their attention for any length of time. He would endeavour to compress his observations into as small a compass as was consistent with the duty which he had undertaken. His hon. Friend (Mr. E. Denison) had said, that the peace recently concluded at Paris had not been received by this country with the enthusiasm with which peace had been received on former similar occasions. He quite agreed with him in that remark; but he believed that the want of anxiety for peace and the absence of enthusiasm when it was attained, did not spring from any well-founded belief that the terms were unfavourable or not satisfactory; there were a variety of causes which produced those feelings. In the first place, there was a general conviction throughout the country that if the war had continued, our army, which was now in a most admirable state of order and discipline, would have added largely to the laurels which it had already so abundantly gained. The people of this country also believed that, being released from the arduous and terrible duties of the siege, our army would have been able at last to meet the enemy in the open field, and thereby give more distinguishing proofs of its powers than had hitherto been possible. They likewise believed, that at the commencement of the war, we were unprovided with the specific means of attack which the peculiar nature of the naval warfare required. They also believed, that if the war had continued, a very different result would have occurred in the ensuing campaign. Those were the main causes, in his opinion, of the want of enthusiasm, but he would submit to hon. Members that when such was the temper of the nation, it was the duty of the Government and all who regulated public affairs most scrupulously to ascertain how far the necessity still existed for continuing a war, upon which we had been forced to enter. He confessed, that when he read the accounts of the state of the army in the East, and when he saw on a recent occasion that magnificent armament which the energy and foresight of Her Majesty's Government had prepared to carry on the struggle, he could not get rid of a feeling of regret, that in a future campaign opportunity should not be afforded to show to the world what the fully developed resources and the fully aroused spirit of England could achieve. He, therefore, submitted, that that was exactly the frame of mind when the discipline of self-examination should be applied, and they should most seriously consider whether the objects of the war had been attained. At the moment when they were inclined to something like arrogant self-confidence, they should remember the chances of war, that "the race was not to the swift, nor the battle to the strong," and beware lest, by continuing the strife when peace was possible, they might forfeit the support of that great Being by whom they had been enabled to bring the contest to a successful termination. To enable them to consider the subject, they must go back to the years which preceded the commencement of the war. Partly by treaties which gave rise to indefinite claims, partly by constant interference, Russia had obtained such an ascendancy over Turkey, that it became manifest that at some period or other the complicated web which was wound round Turkey must be cut by the swords of the Western Powers, unless they were prepared to see the Ottoman territory absorbed bit by bit by her gigantic neighbour, and that glorious capital, Constantinople, fall under a Power which would have given her a preponderance that would have rendered the independence of the west of Europe impossible. Things, however, were brought to a crisis by an aggression on the part of Russia. War ensued, which was commenced by the allied Governments, with a declaration that they sought no new territorial aggrandisement for themselves. The great object of the war was stated to be the defence of the integrity of Turkey. It was impossible for any man to say that that object, at all events, had not been attained. The events of the war had now become matter of history. It was stated on a recent occasion by the noble Lord (Lord J. Russell) that there were three modes in which Russia might attack Turkey. Upon all those points the enemy had been driven back. The heroic gallantry of the Turks, assisted by some of our own countrymen, at the siege of Silistria, drove the enemy back from the Danube. The gallantry of our army, with the assistance of our Allies, carried Sebastopol, and stayed Russian aggression in the Black Sea. And the gallantry of General Williams and our other fellow-countrymen at Kars had arrested the march of the Russian troops in Asia Minor, concerning which such great apprehensions had been entertained. He believed that those apprehensions were exaggerated. He did not think it to be so easy as some imagined for Russia to menace Constantinople from that quarter. No Russian General in his senses would advance by that line to Constantinople so long as an enemy had possession of the sea. But had it not been for the gallant defence of Kars by General Williams, Russia would have extended her conquests in Asia Minor, and would have been enabled to set up a claim in consequence for better terms at Paris. The gallantry and fortitude of General Williams had been alluded to the other night in the debate on the fall of Kars; but he thought hon. Members had underrated the enormous advantages derived from protracting the defence of that fortress, which rendered it impossible for the Russian armies to spread over a larger field in Asia Minor. Having provided for the present defence of Turkey, it became important that the system of aggression which had been pursued by Russia should no longer be allowed to exist. And on this part of the subject the Allies had been fully as successful as in the other. He did not propose to discuss what political objects in Europe might be necessary at the present time. He did not wish to allude to those political changes which many hon. Members might wish to see. He could not say that the political state of many countries in Europe was not exceedingly unsatisfactory, but the rectification of those evils did not form part of the object of the late war. It might be desirable, and he for one most heartily wished, that a different state of things should exist in Italy. It might also be desirable that the kingdom of Poland should again exist, and he for one should be glad to see that ancient kingdom restored. But he did not think that any hon. Gentleman had a fair ground for saying that a peace was not satisfactory because it did not provide for those changes, when the main design with which we had commenced the war and formed an alliance with other countries did not comprise these objects. Some might ask how the safety of Turkey was provided for by this treaty? Turkey was now admitted into the European system, and her integrity and her independence was guaranteed by the whole of Europe, as far as any political objects could be guaranteed or secured. It would now be just as impossible for Russia to interfere with or to attack Turkey, as for any powerful state of Europe to attack a weaker neighbour. That protectorate over the Christians in Turkey which had enabled Russia to interfere in the internal concerns of Turkey had ceased. The Black Sea was neutralized and that splendid fleet which had carried terror to Constantinople a few months ago was now beneath the waves, and the Emperor of Russia was bound never more to rebuild it. The arrangements relative to the Black Sea, which formed the subject of a convention between Russia and Turkey, were eminently satisfactory. It was impossible to say that for the suppression of piracy and the enforcement of Customs' regulations, Russia ought not to have some vessels of war in the Black Sea. But these vessels were to be limited to ten of a certain size, and Turkey was to have the same number, so that there would be an equality of force between the two Powers. Then, England, France, Austria, and Sardinia were empowered to station two small vessels of war at the mouth of the Danube, so that on any sudden emergency occurring there would be eighteen vessels of the allied Powers in the Black Sea for ten of Russia. Then, again, the Emperor of Russia had also agreed not to establish or maintain any military-maritime arsenals in the Black Sea, the principal of which we had destroyed. [*Ironical cries of* "Hear, hear!"] He did not say anything as to fortifications, but he referred only to naval and military arsenals. There was a declaration in one of the protocols with reference to one of these arsenals which did not lie in the Black Sea—he alluded to Nicholaieff, and which the relative position of the Allies and the enemy scarcely gave us, a claim to interfere with, without trying the result of another campaign. The Plenipotentiary of Russia remarked upon the maintenance of Nicholaieff:—

> "The Emperor, his august master, on acceding with sincerity to the propositions of peace firmly resolved, strictly to carry out all the engagements resulting from them; but that Nicholaieff, being situated far from the shore of the Black Sea, respect for her dignity would not permit Russia to allow a principle solely applicable to the coast to be extended to the interior of the empire."

He thought that a very reasonable and unanswerable argument in the relative state of the armies of the belligerent Powers. But the Plenipotentiary of Russia added—

> "The security of and watching over the coasts required, moreover, that Russia should have, as had been admitted, a certain number of light vessels in the Black Sea, and that if she consented to give up the ship-building yards of Nicholaieff, she would be compelled to establish others in some

> other point of her southern possessions; that, in order at once to provide for his engagements and for the requirements of the naval service, the Emperor intends only to authorise the construction at Nicholaieff of the vessels of war mentioned in the basis of the negotiation."

The First Plenipotentiary of Great Britain, and, after him, the other Plenipotentiaries, considered that declaration satisfactory. The Earl of Clarendon then inquired of the first Plenipotentiary of Russia whether he would agree to the insertion of this declaration in the protocol. After having replied in the affirmative, Count Orloff added,

> "That, in order to prove the sincerity of his intentions the Emperor had entrusted him to demand a free passage through the Straits of the Bosphorus and the Dardanelles for the two ships of the line which alone are now at Nicholaieff, and which would have to proceed to the Baltic as soon as peace was concluded."

So far as a guarantee could be given, he thought we had security that for the future those engagements would be carried out. The freedom of the Danube was secured. An important point had been conceded by the rectification of the frontier at the mouth of the Danube. The House, however, would form a very inadequate idea of the importance of that concession if they measured it by the actual area of the territory which had been yielded. The line that had been drawn clearly excluded Russia, not only from all concern in the mouths of the Danube but also to a very considerable extent up the river Pruth; indeed, they were excluded from all that part which being accessible to gunboats, would have left the Russians a secure place of refuge for a force that had been used with great effect during the Danubian campaign. As a further proof of the importance of that cession he need only remind the House of the celebrated siege of Ismail, and of the words addressed by Prince Potemkin to General Suwaroff seventy years ago, "*Vous prendrez Ismail; mais à quel prix?*" A phrase which sufficiently showed the sense entertained by Russia of the importance of what was involved in the concession and which would be a strong barrier against future agression. The agreement which Russia had entered into with regard to Bomarsund it was unnecessary for him to dwell upon; but he ventured to submit that the agreements which had been come to and the guarantees which had been given had fully and fairly accomplished the objects of the war—that they secured, as far as treaties could secure, that those interferences on the part of Russia of which we had had so much reason to complain should not be repeated; and when he reflected upon the terms of peace which a short time ago many persons thought would have been admissible, and at the result which had now been obtained through the firmness and energy of the noble Lord the First Minister of the Crown and his colleagues, he considered that the Government were entitled to the gratitude of the country. The noble Lord at the head of the Government might fairly claim the glory of having taken the helm at a time of enormous difficulties and discouragements, and of having brought the country through an arduous struggle to a satisfactory and triumphant issue. In conclusion, he would only glance for a moment at the attitude in which this country now stood. It might be true that the country accepted peace not with any great enthusiasm, and that she was as ready for war as for peace. She had, indeed, no occasion for enthusiasm, for she had not been relieved from any pressing danger near her own shores, but she had been engaged in a distant contest in which she had fully succeeded. She had carried that contest through—more especially the latter portion of it—with unexampled vigour, and she would be ready to continue that contest if it were necessary with increased strength and animation. Our alliance with France had been cemented; and England was now prepared to resume the pursuits of peace without any animosity to those who had been recently her antagonists. She could well afford to admire the bravery of those Russian soldiers who had opposed her with so much ability and courage, though they had never been able to defeat her in the open field. She could admire the courage and tenacity with which they had clung to that fortress the custody of which had been committed to their care; and she could admire not less the generosity than the determination of that man who had achieved an important triumph in Asia. He hoped that the House would be unanimous in agreeing to the Address which had been proposed by his hon. Friend, and that they would more especially respond to the words in the concluding paragraph:—

> "That the peace which has now been concluded may, under the favour of Divine Providence long continue to shed its blessings over Europe; and that harmony among Governments and friendly intercourse among nations may steadily promote the progress of civilisation and secure the welfare and happiness of mankind."

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, to return to Her Majesty the sincere acknowledgments and thanks of this House for the important communication which Her Majesty has been graciously pleased to make to this House of the General Treaty concluded at Paris on the 30th day of March, between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, the King of Sardinia, and the Sultan, by which Peace has been established between Her Majesty, the Emperor of the French, the King of Sardinia, and the Sultan, on the one hand, and the Emperor of Russia on the other.

"To assure Her Majesty, that, while we should have deemed it our duty cheerfully to afford Her Majesty our firm support if it had unfortunately been found necessary to continue the War, we have learned with joy and satisfaction that Her Majesty has been enabled to re-establish Peace, on conditions honourable to Her Majesty's Crown, and which fully accomplished the great objects for which the War was undertaken.

"To express to Her Majesty the great satisfaction which we feel, at finding that while those Alliances which have so mainly contributed to the vigorous and successful prosecution of the War, have been equally effective in the consolidation of Peace, Powers which have not taken an active part in the War, have combined with the belligerents to give additional firmness to the arrangements by which the repose of Europe is in future to be protected from disturbance.

"To state to Her Majesty that we rejoice that, notwithstanding the great exertions which the late War has rendered necessary, the Resources of the Empire remain unimpaired.

"To express our hope that the Peace which has now been concluded, may, under the favour of Divine Providence, long continue to shed its blessings over Europe; and that harmony among Governments and friendly intercourse among Nations may steadily promote the progress of civilisation, and secure the welfare and happiness of mankind."

Lord JOHN MANNERS: Sir, I rise, not to oppose the reception of this Address, but to state some exceptions, and strong ones, to the terms contained in it. I must apologise for not having given notice of my intention to do so; but the Government, in their anxiety to get the Address agreed to as speedily as possible, allowed no opportunity to any independent Member of knowing its terms until Saturday, so that it was impossible to give any notice of objecting to it. Sir, I object to certain words in the second paragraph of the Address, in which we are asked to assure Her Majesty "that we have learned, with joy and satisfaction, that Her Majesty has been enabled to re-establish Peace on conditions honourable to Her Majesty's Crown, and which fully accomplish the great objects for which the war was undertaken." Now, Sir, it strikes me that the hon. Gentleman opposite (Mr. E. Denison), who of course, I must assume, is responsible for the wording of the Address, must have fancied that he was sitting in the capital of our great and gallant Ally, and was deputed to draw up an Address which should faithfully represent the feelings of the French people, and would be gratifying to the distinguished man who now sits on the throne of France. Sir, I object to the words I have read, because I do not believe that they represent either the facts of the case or the sentiments of the English people on the conclusion of the war. The mover and seconder of the Address have both very fairly stated the great object for which the war had been undertaken, and they have claimed credit for the Government upon the assumption that the peace accomplished the objects of the war. Now, those objects were the integrity and independence of the Turkish Empire at present, and the security of that integrity and independence for the future. As to the first of those objects, I believe it has been obtained; and I should cordially join in the expression of the satisfaction of the House at that result. But with respect to the second, which was by far the most important of those objects, the security of the integrity and independence of the Turkish empire for the future, I take leave to say that in one most important point the treaty does not accomplish that great and all-important object. And in discussing that point I shall have to consider the question whether the honour of the Crown has or has not been satisfied by this treaty. Sir, the question divides itself into two parts, the integrity and independence of the Turkish empire in Europe as well as in Asia. I ventured on the first night of the Session to express an opinion that when we came to consider any treaty that might be concluded, it was more than probable that we should find that the second part of the subject was not satisfactorily settled. And now I proceed to ask the House whether by this peace we have fully secured the integrity and independence of the Turkish Empire in Asia? Be it never forgotten that (in the words of Mr. Oliphant) that integrity and independence have been as often and as dangerously imperilled on the Araxes as on the Danube. Let me now examine, then, what securities have been taken or attempted to be taken against the aggression of Russia on the Asiatic dominions of Turkey. It is remarkable that in the speeches of the mover and seconder of the Address — although they went through every point of the treaty which could at all bear speaking of, they sedulously abstained from mentioning Asia—if I except that passage in the speech of the hon. Gentleman who seconded the Motion in which he depreciated—unwisely and unjustly, as I think—the importance of the last Asiatic campaign. With that solitary exception no allusion was made to this most important part of the subject. Now, Sir, is the House prepared to say that in settling this great question no guarantees should have been taken with respect to the Asiatic provinces of the Turkish Empire? If it is maintained that our sole object was to raise up an effectual barrier in Europe against Russian aggression, I admit that object has been fully attained. But I believe that in Europe is not to be found the real danger to the integrity and independence of the Turkish Empire. Refer to history—of no remote date—not beyond the memory of many who are living. Let hon. Members recur to the state of affairs in 1828-29. With what force did Russia then commence her advance upon the banks of the Danube; and what was the condition of Turkey? The battle of Navarino had been fought. The Turkish navy was destroyed, and the finances of the country were seriously impaired by a protracted and an exhausting war with Greece. Russia seized that opportunity, and then Diebietsch commenced a campaign on the Pruth at the head of 158,000 men. Successes were of course obtained at first. But at the end of that campaign what was the condition of Russia? She found herself upon the banks of the Danube, and out of that vast armament not more than 80,000 men remained. She resumed the field in 1829, her army having been largely reinforced, and with 150,000 men they marched even to Adrianople. But what was the state of the Russian army at that time? It has been stated differently, some have put its force as low as 7,000 men. But no one can deny that at the moment of victory Diebietsch was only saved from certain destruction by the intervention of the great Powers of Europe. Is that doubted? Lord Ponsonby has said, in my hearing, that he had it from the chief of the staff of General Diebietsch, that the news of the acceptance of terms of peace found him praying to the Almighty for rescue from certain destruction. And from what quarter was it about to overtake the remnant of that mighty host? From an obscure Turkish Pasha, whose name no one then knew, and which no one has heard since, who came up at the head of 25,000 Turkish troops, ready to capture or destroy the remains of the Russian army. That was the end of the second campaign in the Principalities, undertaken under such circumstances and carried on with every advantage. Let us now look to the events which have recently occurred, and which show that the real danger to the integrity and independence of Turkey lies not in Europe, but, as I have previously asserted, in Asia. In 1854, before the tardy succours of the Allies arrived, the gallant Turkish army had repelled in more than one battle the whole available force of the Russian army; and for the first time in its annals there was a movement on the part of Austria. That significant motion told the astute and wily statesmen of Russia that they must not expect that Austria would permit Turkey to be invaded through her European frontier. Look at all these facts put together, that out of three campaigns undertaken by Russia, all were unsuccessful as to the object with which they were undertaken. Look at the position assumed by Austria—see the effective state into which the Turkish armies have been brought by the genius of one man whom it is the fashion of some hon. Gentlemen on the Ministerial benches to sneer at—I mean Omar Pasha; and tell me if, with this new element of successful resistance to Russian aggression in Europe, it is likely that her astute statesmen would again venture to attack Turkey on the side of her European frontier? But now for a moment let us reverse the picture. Let us look at the success with which Russia has invaded the Asiatic dominions of Turkey. In 1828 how many men were available for the invasion of Asia and the siege of Kars? Only 20,000 men, and of them Prince Paskiewitsch never could muster more than 12,000 or 14,000 round his standards; yet with that force in 1828 he reduced in less than a month that strong fortress of Kars, against which the great Persian conqueror had a century before directed his vast hosts in vain, and which from that time had been deemed throughout the East impregnable. With 12,000 men, however, in less than a month, Paskiewitsch captured Kars. Fortress after fortress fell before his arms, and so closed the campaign of 1828. In 1829 Prince Paskiewitsch advanced again in Asia.

Erzeroum surrendered; Batoum soon fell; and in a few months a force of 15,000 men had effected what ten times that number had essayed in vain upon the banks of the Danube. Now the importance of the Asiatic dominions of Turkey, I maintain, is altogether overlooked in the treaty. Sir, can this House be asked to affirm that the objects of the war have been fully achieved when only one poor pitiable attempt was made at the Conference to procure some guarantee and raise up some barrier against Russian aggression in Asia. A most unaccountable delusion appears to have prevailed upon this subject, which I will endeavour to dissipate. I repeat that the only allusion at the Conferences in Paris to the Asiatic dominions of Turkey, is to be found in the poor and miserable attempt of Lord Clarendon to prevent the re-erection of the Russian forts upon the Eastern coast of the Black Sea. We are now assured, however, by the noble Lord, that Russia is at perfect liberty to re-erect these forts. And with what object, I ask the House, would she re-erect them? Why, for the purpose of conquering, and perhaps exterminating, the gallant Circassians and the other tribes who inhabit the mountains of the Caucasus. Who are these people, and what have been the relations of England with respect to them? They are a people who, in the language of my hon. and learned Friend (Mr. Whiteside), in his magnificent oration a few nights since did that in 1854, which you (the Government) failed digracefully to do for yourselves in 1855. They raised the siege of Kars in 1854; they are the people whom you took every pains to excite to hostility against Russia, and, having succeeded in so doing, basely abandoned. Gracious Heaven! if these things can be done in the hour of victory, what baseness would not have marked your conduct in a moment of disaster? When the war broke out we entered into friendly relations with the Circassian chiefs. We induced them, in order to satisfy our most proper and laudable prejudices, to abandon a traffic hateful and horrible to ourselves, but lucrative to them. We then sent an accredited diplomatic agent, Mr. Longworth, to them, to arrange a plan of campaign, and, of course, we proposed to protect them. Were these people to be told that they could rely on the honour and might of England, but at last to be sacrificed at the shrine of expediency by Her Majesty's Ministers? and who was Mr. Longworth? He was, by his past history and by his zealous efforts in her favour, to Circassia what the late Lord Dudley Stuart was to Poland. He was sent on his delicate errand with all the pomp and ceremony calculated to impress on the minds of the Circassian chiefs the importance of his mission. He went out in a man of war, commanded, if I mistake not, by Sir Edmund Lyons; was accompanied by a suite of *attachés*, and he remained at his post during the whole of the war. Sir, Her Majesty's Government could afford to do for the Circassians that which they declined to do for our fellow-countrymen shut up in the beleagured city of Kars. Arms, money, and ammunition were sent to the Circassians. But when all this had been done, and the faith of England pledged, what effort has been made to save this unfortunate but gallant people in the Conferences at Paris? The Government may set up two lines of defence, and only two. The noble Lord (Viscount Palmerston) may either say that the Government when the war broke out regarded the Circassians as independent of Russia, or that he regarded them as dependent, and therefore as insurgents against the rule of their lawful Sovereign. But, Sir, what do we find as one of the earliest consequences of the past conduct on the part of Her Majesty's Ministers? Why, on the 30th of April, from Vienna, was despatched the following announcement:—

> "Advices from Constantinople of the 24th of April have been received here. A deputation had arrived there from Circassia, to request the recognition and the guarantee of the independence of that country by the Porte, England, and France."

Now, what answer had Her Majesty's Government given, or what answer were they prepared to give to this demand on the part of the Circassians? The only answer contained in the protocols is, that Russia shall be at liberty to rebuild the fortresses on the Circassian coast, and exterminate the people, if she be so minded. Sir, my position is that, up to the present moment, neither England nor Europe has ever recognised by any State paper the right of Russia to Circassia. But one of the first proofs that we have of the satisfactory and honourable conclusion of this most "successful war" is to give the sanction of European law to Russia for the acquisition of all these important territories. I am willing to make this admission to the noble Lord at the head of the Government, that by the Treaty of Adrianople Russia undoubtedly set up her claim, not only to Circassia, but to a great many other countries; to more indeed than she very wisely chose to specify. The fourth article of that treaty was in the following terms—

> "Georgia, Imeritia, Mingrelia, Gouriel, and many other provinces of the Caucasus, being united for many years and for ever to the empire of Russia, and that empire having, further by the treaty concluded with Persia at Tourkmantchai, on the 10th of February, 1828, acquired the Khanats of Erivan and of Naktchivan, the two high contracting Powers have recognised the necessity of establishing between their respective States, along the whole of that line, a frontier well determined, and likely to prevent all future discussion."

That was a treaty which affected Turkey and Russia alone, but neither England nor any other European Power sanctioned this vast and indeterminate power on the part of Russia with regard to these provinces. [Mr. LAYARD: Hear, hear!] The hon. Member for Aylesbury cheers, and fortifies me in that opinion. In 1839 Lord Stratford de Redcliffe, speaking on the subject of this treaty, said—

> "Mutual explanations took place, and he believed he was justified in saying that any candid mind brought to the consideration of the case must come to the conclusion that, in point of honour, Russia was restrained from availing herself of her successes over the Turkish empire to increase her territory to the smallest extent; but when the acquisition extended to not less than 250 miles of a line of coast, with an average depth of 100 miles, including not only Circassia, but the whole of the mountainous range of the Caucasus, it was impossible not be astonished at the claims which were now advanced."

Advanced, but not conceded then. It remained for the noble Lord (Viscount Palmerston) in this magnificent treaty of peace, to make the concession to Russia of these all-important territories for the future vindication of the future integrity and independence of the Turkish empire. But, Sir, I ask the noble Lord whether he regards Circassia independent of Russia or not? It is said that there is a map in existence marked by the noble Lord, on which many of these places are marked as independent. At all events we have the authority of the late Sir Robert Peel, Lord Stratford de Redcliffe, and the Earl of Derby for saying that these territories were independent. Now, Sir, I ask are we in the very first moment of success to make them dependent? If we are to make them dependent, I cannot find words to express my sense of the baseness of England under such a contingency. You supplied the Circassians with arms; you arranged the campaign in concert with them; you spared neither arms nor ammunition in order that they might act vigorously against the common foe; and after so treating them—after they had saved for you a fortress which you could not save for yourselves—you throw them away like the sucked orange for which you have no further use, and allow Russia to proceed with her schemes of final conquest in Asia. To put a parallel case, what would have been said if we had so worked on the feelings of the Poles? Supposing that when the war broke out, we had received a deputation of Poles from Warsaw, arranged a plan of action for them, that we had sent out the late Lord Dudley Stuart as our representative in Poland, and that at the end of the war, after having destroyed the Russian fortresses on the Polish frontier, of which we used to hear so much from the noble Lord the Member for the City of London (Lord J. Russell)—all we should attempt to do for the Poles, after rousing them to successful rebellion, should be to make a feeble and, as I believe, an unreal attempt to prevent the reconstruction of those fortresses—what, I ask, would then be thought of us? But, if such is the case in point of honour, what is it in point of policy? Is it, as stated by the hon. Gentleman who seconded the Address, that the Asiatic question and Asiatic campaign were of secondary importance? That I believe is not the opinion of the right hon. Baronet the Member for Carlisle (Sir J. Graham), who the other night laid great stress upon the silence of the noble Lord at the head of the Government upon that point. Without relying too much upon the opinions of others, I must say I have considerable support for my views in the statements of the right hon. Baronet the Member for Carlisle, and some wise, and, no doubt, discreet observations made by hon. Gentlemen who either sit on or immediately behind the Treasury benches. The right hon. Gentleman the Chancellor of the Exchequer said, on a previous evening, that the fall of Kars had nothing to do with the terms of peace, that it was an insignificant affair, and that everything had been agreed upon at Vienna before the fall of Kars was made known. I should like to know if the right hon. Gentleman has ever studied a valuable book written by one of his colleagues, the hon. Member for Poole (Mr. D. Seymour). In his work on the Black Sea that hon. Gentleman said—

> "When peace shall be made, it will be most fortuate should we be able to secure the freedom of the eastern coast of the Black Sea by treaty, for the independence of that country would form one of the best securities against Russian aggression. At the Caucasus, Russia may be said to end, and a new class of nationalities to begin."

Hon. Gentlemen who have so long sympathised with oppressed nationalities, might surely find some enthusiasm in favour of the oppressed nationality of Circassia:—

> "And she can only desire to possess that mountain range with the intention of extending her conquests beyond it. The Caucasus—that is, the mountain range itself and the countries that lie at the foot of them, to the north and south—are the most convenient entrance to the heart of the great tableland of Asia, which, when once thoroughly subdued, might constitute an impregnable citadel whence Russia would be enabled to extend her influence and dominion in every direction. The Caucasus is the real citadel of Russian power in the south and east, although as yet beleaguered by the nations from which it has been partially wrested. Russia has surrounded it by an army of 170,000 men, and carefully keeps its inhabitants from communication with civilised Europe. We have never acknowledged the sovereignty of the Russians over this territory.—[Can we say so after this debate?]—nor over the Christian provinces to the south of the Caucasus. If her blockade were permanently removed from the eastern coast of the Black Sea and the brave inhabitants of the mountains allowed to carry on a liberal commerce with Europe, their energies would be quickly turned from war to peaceful arts."

The hon. Gentleman subsequently went on to say—

> "The coast of Circassia is now free, and all that is required is, that it should be kept so without being again subjected to a barbarous blockade. If a consul were placed there and merchants encouraged to frequent it, its gallant inhabitants would soon yield to the civilising influences of Europe and engage themselves in developing its boundless resources. We may rest satisfied that the freedom of the Caucasus will form an important element towards the diminution of Russian influence in the East."

These were wise and weighty words, coming as they did from a subordinate Member of the Government, and I think it would have been well if we had seen some of that wisdom and foresight manifested in the conduct or even in the language of Her Majesty's Plenipotentiary in Paris. But if Lord Clarendon and the noble Lord at the head of the Government failed to uphold the language, or were disinclined to adopt the enlightened views of one of their subordinates, I find support in another quarter, which I am given to understand is not entirely unconnected with the Treasury bench. In one of the organs of public opinion, I find an article upon the terms upon which peace might have been made, and of which I will read a paragraph, and then ask whether hon. Gentlemen on the Treasury bench have ever heard of it before:—

> "An agreement on the part of Russia to keep no more ships in the Black Sea, to abstain from any future interference with Turkey, and to open the navigation of the Danube, would not be worth a single sixpence or a single life. It is precisely on this account that we insist upon the capture of Sebastopol, the retention of the Crimea, the recovery and restitution of the mouths of the great Great German river, and the expulsion of the Russians from their possessions south of Caucasus; for these would not be parchment promises, but 'great facts'—not engagements which Russia might violate at pleasure, but actual losses which would tie her hands and paralyse her power of mischief."

Sir, that paragraph is from an article in the *Economist* newspaper. I did hope that the writer of that article, fully impressed with the importance of the subject which he had taken in hand would follow it up. I was not deceived; another article appeared on January 26th even more forcible, if possible, on the point. The writer said:—

> "But the fact still remains, notwithstanding these natural reflections, that the retention of those provinces by Russia is incompatible with any feeling of security or permanence. From these she at once overawes Persia and menaces Turkey. From the fastnesses, natural and artificial, with which they abound, her armies can at any moment issue forth to ravage Asia Minor and assault Constantinople. The capital of Turkey can be as speedily and probably more easily reached from Tiflis and Gumri than from the frontiers of Moldavia or Bessarabia. . . . Russia needs and desires the Transcaucasian provinces solely for purposes of encroachment and extension, and as long as she retains them the temptation to use them will be irresistible."

Such, Sir, is the opinion of the gentleman, be he who he may, who aspired to be the guide of public opinion in that valuable organ on this subject. It was clear, too, from the statement of the right hon. Baronet the Member for Carlisle, that he was not one who attached any small importance to the handing over of the Transcaucasian provinces to Russia, for having shown in a late memorable debate that Ministers were mainly responsible for the loss of Kars, he pardoned that error in consideration of their having secured the non re-erection of the Russian forts on the Black Sea. No Member of the Government had given any explicit statement on the subject until Friday night, when the noble Lord at the head of the Government spoke, and stated that Russia was at liberty under this famous treaty, which is to secure the independence of Turkish power, to re-erect every one of those fortresses. Well, but what do we see in another most influential organ of public opinion of this morning, after the declaration of the noble Lord, that these forts might be rebuilt? What is the language of that organ of public opinion which at present, at any rate, undertakes to defend the policy of Her Majesty's Government? I find in an article in which the writer sums up the results of this treaty, of which the country, it is said, ought to be so proud, but concerning which, according to the mover and seconder of this Address, they take very good care to hide their enthusiasm. I find it stated in this summary—

> "The fortifications on the eastern coast of the Black Sea, constructed with so much labour and expense, are to remain dismantled; and even Kars, bought at the price of so much blood and so much suffering — the solitary trophy which Russia can show, is given back to Turkey."

[Viscount PALMERSTON: So it is.] Let us be thankful, then, for even the smallest favours. What I have read, Sir, is the language of the apologist of the noble Lord as to the rendering back of the fortress of Kars. This morning organ, which it is vain to deny is the mainstay of Her Majesty's Government, comes to this conclusion, which is important to a clear understanding of the case. It says:—

> "Less would not have satisfied our honour; more might have endangered the permanance, stability, and tranquillity of Europe."

But the country has less; and therefore, according to the panegyrist of the noble Lord, the honour of England is not satisfied. Now, Sir, I ask the noble Lord are the Circassian fortresses to be dismantled or not? Is the whole Transcaucasian coast to be placed under a powerful and ruthless invader or not? It has been stated that great gains have been obtained by this treaty; but in my mind there has been no gain, but on the contrary a loss, and if so, even according to *The Times*, the country ought not to be satisfied. I cannot, therefore, consent to the terms of the Address, in assuring the Crown that by this treaty this country has accomplished all the great objects of the war. Can any one doubt that these forts in the provinces of the Caucasus will be rebuilt? Is it not plain that the sole object of Russia is the subjugation of those provinces—provinces extending along 250 miles of coast, and reaching 150 miles inland; inhabited by a gallant and loyal people, rich in internal resources, and which are of the greatest importance to the integrity and independence of the Turkish Empire? Why, Sir, before the ink has dried with which this belauded treaty was signed we find statements as to the new footing upon which the Transcaucasian army is to be put. At St. Petersburg they are already beginning to talk of warlike expeditions. *The Times* correspondent at Berlin, under the date of April 28, writes thus:—

> "In St. Petersburg they are already beginning to talk of warlike expeditions to be undertaken in the summer; a portion of the Caucasian army, under the command of General Khruleff, is to operate towards the Tschetschnaia, while other troops that will by that time have been set free from the Crimea are to act against the Abchasen (?). It appears that, carefully as all news of the facts have been kept from the knowledge of the Western press, these mountain tribes had availed themselves of the Russians being perfectly occupied with their more imposing foes to harass them in a variety of ways, and to encounter them in a variety of skirmishes, not always without success. The first use their implacable neighbour the Muscovite intends to make of the leisure the present peace has procured him is to subdue and subjugate these tribes, and then to rebuild the frontier fortresses for the purpose of perpetuating that subjugation. The supplies that are to be contracted for to be delivered this year sound enormous: the infantry require 2,223,000 pairs of boots; 168,000 ells of regimental cloth are to be forwarded from Tamboff to Astrachan by water; 200,000 ells from Tamboff to Moscow; 590,000 ells from Simbirsk to St. Petersburg; 415,000 ells from Kasan to St. Petersburg; and 300,000 ells from Kasan to Moscow. The new organisation of the military force is going on rapidly; the Caucasian army has been strengthened by two fresh regiments of infantry, to be called 'Crimea' and 'Sebastopol;' and two regiments of Dragoons, 'Seversk' and 'Péréiaslaff.' The Guards have got an addition of two new battalions of Rifles."

Now, Sir, all this takes place before the treaty is discussed—all this is announced as taking place in St. Petersburg, and we are now informed by the noble Lord that Europe consents to the re-erection of these fortresses in the Black Sea. Sir, I have shown you how intimately the honour of the Crown of England and of this country is impugned by these disgraceful terms of capitulation. I have endeavoured to show you the gross impolicy of handing over these Provinces to Russia. Already by our unwise conduct of the war in Asia, we have raised the military supremacy of

Russia from the Caucasus to the Hindoo Koosh. And now we are about to tell the tribes of Circassia that they are to have no faith in the honour of England, and that, unable to strengthen the hands or animate the hearts of our Plenipotentiaries, tribes whom we have excited to action in time of war we are prepared to abandon in a time of peace. I will turn at once to the sole paragraph in the protocols that bears any reference to the question, and I will entreat the attention of the House to the remarkable, though brief, discussion that is there reported. But first let me express my regret that the Chancellor of the Exchequer is not present to hear the allusions which I am forced to make in reference to the right hon. Gentleman's observations as to the fall of Kars. Well, at the sitting of March the 1st,—

> "Count Walewski states that, as the second separate condition, the Allied Powers require that the state of the territories situated to the east of the Black Sea should be specially inquired into.
>
> "Baron Brunow explains the diplomatic transactions which have placed Russia in possession of those territories, and their present situation."

Now, of course, they could not know what was the explanation given of these diplomatic transactions, but I am curious to know whether the representative of Her Majesty assented to the whole of the explanation given by Baron Brunow. I very much wish to know if Russia based her explanations upon the treaty of 1843 or the treaty of 1829, and maintained that the whole of those provinces belonged of right to Russia. Upon this point there is no reply whatever from Lord Clarendon. After, however, a little further amiable discussion, Count Walewski goes on to observe that Russia has erected forts on the eastern coasts of the Black Sea, which she had herself in part blown up.

> "Count Walewski observes that Russia had erected forts on the eastern coast of the Black Sea, which she had herself in part blown up, and that it will be necessary to come to an understanding in this respect."

Then came the solitary observation of the Earl of Clarendon, the only proof throughout the whole of the protocols that Asia was ever present to his mind, or that the gallant people whom the Government of which he was a Member had incited to war against their powerful and implacable neighbour were not altogether overlooked by this great statesman.

> "The Earl of Clarendon, relying, specifically, on the principle of the neutralisation of the Black Sea, proceeds to show that these forts could not be rebuilt.
>
> "The Russian Plenipotentiaries, setting up the distinction which, according to them, exists between these forts and military-maritime arsenals, maintain the contrary opinion."

Of course, the Russian Plenipotentiaries maintained the contrary opinion, and they maintained it with great skill, with great courtesy, and, as the event proved, with remarkable success. But what was the result? Why, that the consideration of the point was adjourned. Until when? Until the Ides of March—until the Greek kalends! And the noble Lord the representative of England, who could state that the terms of this treaty would not permit Russia to re-erect these forts, when his position was controverted had not the heart to resume a discussion in which the honour and interests of England were pre-eminently concerned. Why did the noble Lord shrink from the rediscussion of the question, and why, I ask, did he consent to terms so dishonourable to the Crown of England? The answer is obvious and patent. Here I will beg to request the attention of the Chancellor of the Exchequer to what I am about to read, as I should like to know whether the right hon. Gentleman will adhere to his opinion, that the fall of Kars had no influence upon the conduct of the negotiations at Paris. Well, Kars was the next point touched upon.

> "Count Walewski lays down that the town of Kars, and the Ottoman territory at present in the occupation of the Russian army, shall be restored to Turkey.
>
> "The Earl of Clarendon supports and enlarges on this opinion.
>
> "The Russian Plenipotentiaries admit the principles of this restitution; but, as it cannot be finally decided on till the end of the negotiation, they express a hope that, in the course of the negotiation, credit will be given to them for the concessions which they make in consideration of the separate conditions proposed in addition to the bases already agreed upon."

Well, now, what other meaning can you attach to this, but that in consideration of the restitution of Kars the Transcaucasian provinces, the Circassian coast, and the right to re-establish the forts on the eastern coast of the Black Sea, should be conceded to Russia?

> "Count Walewski, while taking note of the adhesion of the Russian Plenipotentiaries, bears witness to the conciliatory disposition which they have evinced during the sitting, as well in regard to Kars as in regard to the Aland Islands."

Were they to be told, in spite of the statements of Count Walewski and the Russian

Plenipotentiaries, that the Aland Islands were the compensation for Kars, and that the fall of Kars did not in any way affect the question of the Transcaucasian provinces and the re-erection of the forts on the eastern shores of the Black Sea? I understood the Chancellor of the Exchequer to say that the fall of Kars had no influence on the discussions at Paris or the terms of the treaty, inasmuch as it was not known at Vienna until after the bases of the treaty had been agreed upon. Now, did the right hon. Gentleman mean to say that what we were determined to ask at Vienna we asked *bonâ fide*, and with the intention of obtaining it in the Conferences at Paris? Two points which we had agreed to ask at Vienna were the non-reerection of the fortifications on the Aland Islands, and the non-reerection of the forts on the Circassian coast. Well, now, coming to the actual treaty of peace, we find that the non-reconstruction of the fortifications on the Aland Islands conceded, while the non-reerection of the forts upon the Circassian coast was resisted, and successfully resisted, by Russia. Was it alleged that we had not agreed at Vienna to demand the non-reerection of the forts on the Circassian coast—that the point was left perfectly open, in order to take advantage of what in the interim might be the state of the war? I think that any Gentleman who has read the protocols must come to the inevitable conclusion that at Vienna it was our intention to secure, by prohibiting the reerection of these forts, the independence of that gallant people, and, with their independence, the future independence and integrity of the Turkish Empire. If such was the intention at Vienna, how came it to miscarry at Paris? Kars had fallen. The fall of Kars was brought prominently before the Conferences by the French and Russian Plenipotentiaries, and its restitution was quoted by the right hon. Gentleman the Chancellor of the Exchequer as proof of the conciliatory disposition of Russia. Russia was complimented upon her conciliatory disposition, and the Circassians were handed over, without pity or remorse, to their implacable and inveterate foe. Sir, I really cannot believe that the hon. Gentleman who moved the Address to-night could really be of opinion that the honour of the Crown had been sustained, or that the great objects of the war had been secured by this treaty, or that the future integrity of the dominions of Turkey in Asia Minor were not implicated in the Conferences of Paris. I must say that I rose from the perusal of the protocols which recounted the Conferences at Paris with feelings very far from those of satisfaction and pride. As an Englishman, I could not but feel that the representatives of halting, hesitating Prussia, and even the representatives of Sardinia, occupied far higher ground in those negotiations than did the representatives of the Queen of Great Britain. Their opinions were at least always clearly stated and manfully sustained, but when Lord Clarendon stated some opinion of paramount importance it seemed to be hinted at only to be withdrawn. If those to whom liberty in every shape was dear, and who looked upon the liberty of the press as the palladium of English liberty, would read the laboured speech of Lord Clarendon at the conclusion of the Conferences, they would think they had good reason to complain of the terms in which Lord Clarendon expressed himself upon the proposal of Count Walewski. Now, what was that proposal, expressed, no doubt, in courteous and diplomatic language? It was, that if the laws and constitution of Belgium were found not strong enough to put that amount of repression upon the press of Belgium which Count Walewski thought proper, an armed intervention would take place. What, Sir, was the reply of the representative of England to those observations?

> "As regards the observations offered by Count Walewski on the excesses of the Belgian press, and the dangers which result therefrom for the adjoining countries, the Plenipotentiaries of England admit their importance; but, as the representatives of a country in which a free and independent press is, so to say, one of the fundamental institutions, they cannot associate themselves to measures of coercion against the press of another State."

["Hear, hear!" *from the Treasury bench.*] Hon. Gentlemen upon the Treasury bench seemed quite astounded at the boldness with which Lord Clarendon "declined to associate himself to the measures of coercion against the liberty of the press." It certainly was satisfactory to find that at the end of the negotiations the representative of England "screwed up his courage to the sticking point," and that he gave the Plenipotentiaries no reason to expect that in the event of an armed intervention by France, the fleet reviewed the other day at Spithead would be sent to its assistance. Let us, however, as I said before, be grateful for small mercies. But was that the language in which the representative of a Liberal Government might be expected by hon. Gentlemen opposite to express an opinion on a proposal to gag and fetter the press of one of the only free countries now left upon the Continent? The protocol went on to say—

> "The first Plenipotentiary of Great Britain, while deploring the violence in which certain organs of the Belgian press indulge, does not hesitate to declare that the authors of the execrable doctrines to which Count Walewski alludes, the men who preach assassination as the means of attaining a political object, are undeserving of the protection which guarantees to the press, its liberty, and its independence."

This moral truth who could doubt? Practically, however, what would happen if it were carried into effect? The liberty of the press would be gagged and put an end to in the endeavour to prevent these incitements to assassination. Does the noble Lord opposite, who took a share in constituting Belgium as an independent kingdom, believe that the laws and constitution of Belgium were impotent to restrain these excesses, and that they were so much less powerful than our own that an armed intervention was required, and would be justified on this account? It seems to me, however, that the language of Lord Clarendon, in "declining to associate himself" to those reactionary and restrictive measures, would give far more countenance and encouragement to the future intentions of the French Government than it would reassure the Belgium Government that the support and countenance of the English Government would be afforded to them in resisting such a project. I wonder Lord Clarendon, from his own experience, did not recommend a more gentle and efficacious way of silencing an obnoxious press. Did Lord Clarendon proceed to Paris to sign a treaty of peace, however poor, pitiful, and dishonourable its conditions might be? I believe that Lord Clarendon went to Paris to bring back a treaty of peace, and in that object he unquestionably succeeded. But it was a treaty that established the political and military supremacy of Russia throughout the whole of Asia; that rendered Persia a satrap of Russia; that permitted that very fleet, which we so foolishly boasted we had for ever destroyed, to anchor in the Golden Horn, on its way to be refitted, perhaps, at Portsmouth, before it finally took up its position before the fortifications of Cronstadt, which we had failed to endamage. It was a treaty that placed Circassia at the feet of her implacable foe, and in so doing violated the honour of the Crown, and failed to accomplish one of the great objects of the war. As by military mismanagement we had rendered the idea of Russian military supremacy paramount in the East, so we had now fatally impressed upon the mind of every Eastern ruler that as we were unable to baffle the armies of Russia in war, so we were unable to cope with her diplomacy in peace. I must apologise to the House for trespassing upon its indulgence at such length, but I felt bound to raise my voice and protest against the exaggerated and untrue description of the peace contained in the second paragraph of the Address; and I will submit to the noble Lord, if he is anxious that the Address should pass unanimously, the necessity of modifying the terms of this paragraph, so that the House may agree to a unanimous expression of satisfaction at the conclusion of peace, the terms of which they were not prepared too minutely and too curiously to scrutinise.

MR. MONCKTON MILNES said, he could not think—apathetic as the people of England no doubt were with regard to the peace—that the noble Lord who had just sat down would find many persons to agree with him in the exaggerations into which he had allowed himself to be drawn, that the peace which had been ratified contained in it anything that was either dishonourable or degrading to England. It was, however, a different question whether the peace actually accomplished all that the people of England desired—whether it realised all that the ardent hopes of the people had anticipated — whether it really secured that permanence of peace which it professed to do, and which every one hoped that it might accomplish. He contended that there was nothing to be ashamed of in the present attitude of the people of England on this subject, for he thought that they now looked upon peace without joy, as they had looked upon war without fear. When he considered the circumstances in which the war had originated, he thought that no one could have calculated that it would ever be brought to a conclusion which would at any time be grateful to the feelings of the people of this country. The real cause of this probably was, that the war had been regarded in a somewhat different spirit by the Government to that in which it had been viewed by the people. By the British

Government and by our Imperial Ally it had been regarded solely as political, bearing upon certain distinct political objects, and tending to certain distinct political ends. By the people of this country, on the other hand, it had been associated with far other hopes, far other desires, far other expectations; and the accomplishment of one of those results did not in any degree carry with it the accomplishment of the other. He thought, however, that when the terms of the treaty came to be carefully considered the people of England would find in them certain results to which they would be able to look back with at least a moderate degree of satisfaction. The people of England had been mainly actuated, in the enthusiasm and generosity with which they had supported the war, by the conviction that the power of Russia was likely to extend to a degree which would disturb the peace of Europe, and that that power was essentially an immoral power—the result of brute force. He thought that we might now encourage a hope that the aggressive and encroaching spirit of Russia had been to a considerable degree checked and curbed by the occurrences of the late war. He did not say how much this had depended upon the providential event of the removal of that Emperor who had been the cause of the war; but he had no reason to doubt that, from the very moment the present Emperor determined that peace should be made, that determination had been carried out in a spirit of perfect sincerity. There had been no reticences on the part of the Russian Government which should lead us to doubt their good faith; and, as the present Emperor of Russia appeared prepared to devote his energies to the internal improvement of the people, so the Russian people might suspend those extravagant notions of aggrandisement which had so long disturbed the real and material progress of that vast empire. He thought, too, that the people of England would find some gratification in the conviction that the integrity of Turkey had now received a guarantee such as could hardly have been hoped for under present circumstances. As regarded the Circassian people, the noble Lord (Lord J. Manners) had, in his opinion, enormously exaggerated the amount of independence which that people had asserted and enjoyed, as well as the claim which they were supposed to have upon England. There was scarcely any incident of the war which had more disappointed the advocates of freedom than the small amount of interest and sympathy which the Circassian people had taken in the great contest in which we had been engaged. He believed the fact to be that very intimate relations existed between the Russian Government and the leaders of the principal Circassian tribes; and that all the noble Lord's fears of any vengeance being wreaked upon the Circassians by their "implacable foes," as the noble Lord termed them, in consequence of anything that they might have done during the late war, were entirely visionary and groundless. He wished that he could feel as certain with regard to others who had indeed felt a deep sympathy with the war, and whose relations with Russia ought to have attracted some attention—he, of course, alluded to the Poles. He knew that there were few things more distasteful to that House than the mention of the name of Poland, but he thought that at least some consideration should have been shown for the future safeguard of those Poles who had taken part in the war, and that the fullest security should have been taken for their lives and fortunes, for he feared that the vengeance of Russia might be felt elsewhere than in Circassia. The noble Lord, towards the end of his speech, had alluded to a subject which he (Mr. Milnes) should be glad to see frequently brought under the notice of the House before the close of the debate. He alluded to the speech of Count Walewski at the Conference, in reference to the Belgian press. It was his firm belief that it would have been impossible to have chosen a topic less germane to the business of the Conference than that which formed the subject of Count Walewski's alarm. There was one country in Europe which was prevented, by the circumstances of its political existence, from joining in the war, which, by the guarantee under which it enjoyed its political existence, was almost out of the region of political conflict, and its affairs formed a subject with which the Conference had no business one way or the other. That country was Belgium. He (Mr. M. Milnes) knew his noble Friend (Viscount Palmerston) was very proud of what was called his little political experiment, with which he had often been twitted, but with which he had every reason to be proud; but he assuredly did not think his noble Friend had equal reason to be proud of the language of Lord Clarendon, when the free press of Belgium was so gratuitously attacked. If it had been the business of the Congress to discuss all the questions that disturbed the peace of Europe, surely there were others which would have come before them more naturally than this, and when Count Walewski made his complaint against the press of Belgium, he, and the Government he represented, should have remembered that there was no person present who could have answered the imputation, or who could have defended the character and cause of that country. The imputations were grave, and required defence, and if there had been any person present authorised to enter into that defence, or if Lord Clarendon had been sufficiently acquainted with the circumstances to do so, as perhaps from the connexion between Belgium and this country he might have been expected to do, he (Mr. M. Milnes) did not think that the subject could have been allowed to remain in its present state. If his Lordship had stated, in answer to the accusation of Count Walewski, that Belgium was so impressed with the responsibility arising from its vicinage to France, that in the year 1852 the Belgian Parliament had enacted a law declaring that all offences against the person or character of any Sovereign, or any person connected with the Sovereign of another country, either by printing, writing, or misrepresentation, should be severely punished by the Belgian law, on the demand of the representative of the offended Sovereign ; if he had also informed Count Walewski that on the representation of the French Government in 1854, the Belgian Parliament prolonged their Alien Act until 1858, for the sole purpose of holding a strong authority over any French refugees that might be in that country ; and if Lord Clarendon had also maintained, as he might have done, that in the month of March last, at Windsor itself, the King of the Belgians gave his consent to a law, the object of which was to declare that any persons, whatever their nation might be, who were suspected of encouraging projects of assassination against any Sovereign should not receive any cloak of defence as political refugees ; if it had been strongly declared what great marks of deference the Belgian Government had shown to the political exigency of France, he (Mr. M. Milnes) thought that such statements would have been more becoming an English representative than words that bore the colour, in his opinion, of vindicating the attack of the French Government. Of course he could not suppose that Lord Clarendon intended to convey to the Conference the idea that, under any circumstances, this or any other free Government could associate themselves with the French for the purpose of repressing the free institutions of Belgium ; for he must have known that if one French soldier crossed the Belgian frontier, the general guarantee would have been violated, and that the integrity of the Belgian territory must be defended by force of arms. That being the case, Count Walewski's words could have conveyed nothing more than an empty menace. That it was a menace no one could deny. It would be taken as a menace by the Belgian Legislature, which would meet in a few days to celebrate the twenty-fifth anniversary of Belgian independence ; and, therefore, he trusted that both from the Treasury bench and the House, they would have a declaration of what was certainly the sense of the people of England, namely, that that passage, from the proceedings of the Conference, had been read in this country with the greatest pain, and that the effect would tell most injuriously on the reception of the peace, if it could be inferred for one moment that an English representative had given any countenance whatever to so unjust an accusation. The principle had been asserted that we should be content with this peace, because it accomplished all the objects for which the war had been declared. He, for one, should be sorry if such a doctrine were accepted. It was a new principle in international law, and he believed that if the war had continued this country would have been justified in demanding far other terms and conditions than had now been obtained. He wished to place the peace on its true grounds, and he had no hesitation in stating that he was satisfied with its terms, not because the object for which the war was undertaken had been attained, but because, having reference to all the circumstances of Europe, and more especially the peculiar condition of our ally, he considered the peace to be as good a peace as any reasonable man could hope to obtain. The people of England, no doubt, had thought that the effect of a peace might be to remove existing difficulties in Southern and Eastern Europe by a rearrangement of territory, by a readjustment of freedom, by some liberty extended ; and no such result had been obtained. Italy, in all her confusion, remained the same, the various portions of the Austrian empire were no better amalgamated than before; in other parts of Europe causes of disturbance still remained, which it would require all the efforts of statesmen to remove, but he trusted that the spirit in which the terms of peace had been accepted afforded some good reason for hope for the future. Another great advantage of the war was the fact that the French alliance remained unbroken, and, considering all the circumstances of the case, although he did not look upon the peace which had just been concluded as containing such elements of security as would allow us to throw aside all just means of precaution for the future, yet, nevertheless, it afforded reasonable ground for trusting that, by adhering to a wise course of policy, this country might, by the blessings of Providence, be spared for a long time to come from the horrors of war.

MR. LAYARD said, the Address which had been moved that evening was so worded that to a large portion of it he could quite agree, though he must confess, as regarded all the great objects of the war, he did not think that they had been accomplished. He was, however, willing to accept the terms of the Address to this extent—that, so far as the intentions of Her Majesty's Government went when they entered into the war, the chief objects of the war had been attained. He was not going to criticise vexatiously the peace which was now about to be celebrated; but he thought it was due to himself, considering the interest he had taken in this subject from its commencement, to claim for a short time the indulgence of the House, while he entered—not more fully than the subject deserved—into the several articles contained in the treaty. It appeared to him that they were too much in the habit of coming to a decision upon generalities when discussing these subjects. With the exception of the speech of the noble Lord the Member for Colchester (Lord J. Manners), with great part of which he was certainly compelled to agree, the House had heard no actual criticism upon the peace itself. Now, it was, he thought, a reasonable wish that the opinion which one had formed might be placed on record, and, as he should not probably trouble the House again on this point, he would venture now, for the last time, to lay before them his opinion as to the chief subjects settled by the treaty of peace. The differences which had existed between himself and many others in that House on the subject of the war arose upon questions of principle at its very commencement. He had always maintained that we were led into error by the line taken by Lord Aberdeen's Government. He, and those who thought with him, believed that this war, entered into upon sound principles, and in a proper spirit, might have led to very great results; that an opportunity offered of doing much for the cause of civilisation and of liberty in Europe; that the war might have taken a very large area; and that there were other questions to settle besides what was commonly called the independence and integrity of Turkey. Lord Aberdeen's Government, however, thought differently. They believed that much might be done without extending the war beyond the immediate limits of Turkey. That, he would admit, was a fair question for discussion—he thought, however, that they had lost a golden opportunity—but still there might be arguments in favour of the more restricted course pursued. Under the circumstances, as it was useless now to point out what might have been done, he should confine himself to a discussion of the peace, on the supposition that the late and the present Government were right in the principles upon which they had acted. Discussing the peace in that spirit, the House would remember that they had been contending for "four points;" a fifth was added during the progress of the Conferences at Paris, but that was, and remained, very ambiguous to his mind. The four points were clearly laid down, namely, the emancipation of the Christians in Turkey, the condition of the Principalities, the navigation of the Danube, and the Russian naval force in the Black Sea. In discussing those points he wished to be perfectly fair and impartial. He thought it was hardly fair of the noble Lord opposite (Lord J. Manners) to pick out a particular part of the treaty or of the protocols and criticise that portion, without relation to its other conditions, and leaving out of view altogether the general character of the peace. He knew all the difficulties to which the Government had been exposed, and was quite willing to make every allowance for those difficulties. The French alliance, for example, had proved a source of great embarrassment. Now, he was one of those who would make every sacrifice for a French alliance, except a sacrifice of the national honour and national independence. He must confess, however, that to his mind, from the very commencement, our position with regard to France had been a most anomalous one. For this the present Government were not so much to blame as those who originated and took the first steps in the war, for the war once commenced, it was too late to change the relative position of the two countries. From the beginning he had been deeply impressed with the equivocal position we had held with regard to France, and he thought no one could read these protocols and those of the Vienna Conferences, or could have followed the events of the war, without being persuaded that we assumed a false position as respected France, that we had placed ourselves unnecessarily in her power, and had taken a course which could never be consistent with the true interests and honour of this country. Having once embarked on this course, however, we could not recede, and, therefore, bearing in mind that Lord Aberdeen's Government had entered upon the war, he was therefore willing to make every allowance for Her Majesty's Government in considering these protocols, and to examine the treaty with all fairness and impartiality. The country expected from that House that an inquiry should be made, and they also expected that an impartial verdict should be returned. The first and most important point was that regarding the Christians in the Turkish empire, and he must own that on this subject much more had been done than he could possibly have expected when the war was commenced. The question was a most difficult one. The Christians were at once both the strength and the weakness of the Ottoman empire. They represented its strength, because they stood first in intelligence, in wealth, and in activity, the Turks themselves not possessing these qualities. They represented its weakness, because the natural result was, when the intelligent and wealthy classes exceeded in number the dominant class there was a continual fear of such popular movements as might overthrow the Government and produce confusion in the State. They had, therefore, to deal with those very discordant elements. A firman had been granted by the Sultan to the Christians, but he thought Lord Clarendon acted most wisely, fairly, and honourably—and he hoped his Lordship's conduct would be appreciated at Constantinople—when he supported the Plenipotentiary, Aali Pasha, in his objection to the embodiment of that firman in the treaty. The firman in question was prepared at Constantinople under the auspices of Austria, France, and England, and no document could be more liberal in its tone, and if the noble Lord at the head of the Government could promise them some equally liberal measure in England he thought the people ought to be very well satisfied; the Administrative Reformers themselves could not have asked for more. Christians were, under this firman, to be admitted to the highest places in the Government; they were placed on a perfect equality with Mussulmans; and in theory nothing was withheld from them. Of course such a firman as that could not be fully carried out, but to have those principles admitted was an immense gain. He had said it was wise on the part of Lord Clarendon to support Aali Pasha in his objection to see that firman form part of the treaty. The war with Russia had been chiefly entered into to endeavour to prevent her from interfering with the internal affairs of Turkey, and if that firman had formed part of the treaty it would have certainly given all the countries who were parties to the treaty the right to interfere, but that power of interference would have been exercised almost exclusively by Russia. By one of the articles of the treaty it was expressly stated that the communication of this firman gave to the contracting Powers no "right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, nor in the internal administration of his empire." The Sultan's Government deserved all praise for their liberality, and he had therefore been much grieved to hear the language which had been used in that House respecting them. Hon. Members might, perhaps, have looked through some papers laid on the table containing the correspondence and communications which had taken place between Lord Stratford de Redcliffe, Her Majesty's Government, and the Porte on the subject of concessions to the Christians. Those papers were of peculiar interest. The hon. and learned Member for Dungarvan (Mr. Maguire), who enjoyed to a great extent the vituperative talents peculiar to that part of the world which gave him birth, had spoken strongly on the subject of the Porte and of Lord Stratford. Now, he (Mr. Layard) thought it most unwise that that language should be used; it was most unjust and unfair towards the Porte; and how could we expect Turkey would go with us and accede to our demands when such language was employed towards her? Among the papers to which he was referring was one signed by many missionaries and clergymen—English and American—of his acquaintance, expressive of their satisfaction with the hatti-sheriff and of their gratitude and obligations to Lord Stratford for his efforts on behalf of the Christians in Turkey—efforts which they believed by this act had been crowned with success. Even in this country we had some relics of barbarism—a band playing in Hyde Park on Sunday, or a grant to Maynooth excited the opposition of educated and worthy gentlemen. It could well be imagined, then, that it would not be wise to ask the Turks in one day to alter all their laws and religion—to forego every form which they had inherited from their forefathers. It would be most unwise and imprudent to compel the Porte to make concessions which would only exasperate its subjects and have the certain effect of preventing, or, at least, retarding the accomplishment of those ends which all had in view. Immense changes had lately taken place in Turkey; every day fresh progress was made, and as intercourse with Europe increased that progress would also increase. There was, however, one point upon which he was not so well satisfied. He was of opinion that the extension of the conscription to the Christian subjects of the Porte was unwise; that it would expose them to hardships which hitherto had been reserved exclusively to Mussulmans, and the exemption from which had been one of the causes of the great prosperity of the Christians in Turkey. There were one or two points which he was glad to find, although not included in the treaty, were noticed in the protocols, which pledged those who were parties to it. He was glad to find that both points had been originated by Lord Clarendon — one of them referring to our commercial system as far as Turkey was concerned, and the other relating to the abolition of the capitulations. He (Mr. Layard) was not desirous of remodelling the treaty to which the noble Lord at the head of the Government had referred in an earlier period of the evening, but he was anxious to see the duty upon grain and other articles of export abolished or much reduced; such a step would be, he believed, the best means of destroying Russian influence in Turkey, and nothing would tend so much to the strength and prosperity of that empire as an unrestricted trade in corn. At present the export duty upon all Turkish produce was 12 per cent, while the import duty on foreign articles was only 5 per cent. With respect to the capitulations, he was glad to find there were to be deliberations upon that subject. These capitulations belonged to a past age, when groups of Christians were allowed to settle in various parts of Turkey without being subject to Turkish law, but under the control and protection of the Missions of their respective countries. It would not be right, when asking Turkey to make concessions, to allow those to whom those concessions were made to defy the laws of the Porte at their pleasure, and he hoped the result of the deliberations would be to release Turkey from that annoyance. He wished to call the attention of the House to the fact that the only Power which objected to that alteration, as it had likewise done to every proposition to improve every country besides Turkey, was Austria. The condition of the Christians was, as he had shown, greatly improved; they could hold land, and had other rights conferred upon them, and he had no doubt that in a few years that firman would be regarded as the basis of the strength of the Turkish empire. How different was now the state of Turkey compared with that of Austrian Italy, with her desecrated public monuments, her teeming prisons, and swarming police. Compare Turkey with Norway, where, he believed, Jews were not permitted to reside. In Belgium, even, he had been informed that Protestants were almost entirely excluded from all public employment and dignity, and attempts had been made to remove the bodies of deceased Protestants from burial-grounds upon the plea that the ground was consecrated. Therefore upon the whole he considered the position of the Christians in Turkey was one which entitled the Turkish Government to much credit for its efforts on their behalf. That deeds of violence did occasionally occur he did not in the least mean to deny; hundreds of times he had had occasion himself to interfere to obtain justice for Christians, but the Turkish Government had never been the cause; and he thought that the firman had now placed them in a very satisfactory position. The next point was as to the Principalities — Moldavia and Wallachia. He was willing to admit that with regard to them more had been done than he had expected, but there were still many points which required explanation. It was known that the Principalities had submitted voluntarily to the Porte. Moldavia and Wallachia were inhabited by the same race, speaking the same language and professing the same religion. Russia, however, obtained a right of interference, which she exercised to effect any change she desired in the local government, or to annoy the Porte. That right of interference was now, he was glad to find, abolished, and the Principalities were placed under the guarantee of the contracting Powers, in the same manner as Belgium, but of course still subject to the *suzeraintè* of the Porte. With regard to them it appeared that Lord Clarendon had proposed a liberal duty—to unite the two provinces—in which proposition he was supported by France and Russia. That union was, however, opposed by Austria, who succeeded in inducing the Porte to join with her in opposing and rejecting it. Austria, without doubt, feared that union, because by it the Principalities would become strong, and consequently become an example and an encouragement to the adjoining Austrian provinces inhabited by the same races, who sympathised with the inhabitants of Moldavia and Wallachia. It appeared that a Commission had been appointed to inquire into the feelings and opinions of the Principalities, and new forms of government were to be framed for both. Divans *ad hoc* were to be assembled to ascertain the sentiments of the people, but it should be remembered that the provinces had been for some length of time ruled by Austrian bayonets, and were now occupied by Austrian soldiers. Any assemblage at present under such auspices could not be regarded as a true expression of the wishes of the inhabitants; therefore, he trusted that before any sitting took place, the Austrians would be cleared out of the Principalities. He was glad to find that one of the Commissioners to investigate the condition of those provinces was a gentleman of great experience connected with the embassy at Constantinople—Mr. Alison, than whom no one was better qualified for the task, for few understood so well the wants and requirements of the Principalities. If we should succeed in forming those provinces united into a strong government even under the sovereignty of the Porte, which he thought it would be for the best at present to retain, they would prove a formidable barrier against Russia. That was much better than anything which had been proposed at the Vienna Conference, where we had been on the point of admitting that when anything occurred in the Principalities which Russia and Austria considered not to agree with the quiet of the country, those Powers were to have a right to march in and occupy them. Another point which he considered most valuable was, that the Principalities were to be empowered to raise their own troops for their own internal defence and police. He hoped that those gentlemen who were expelled from Moldavia and Wallachia in 1848, would be allowed to return and take a part in the administration of their country. Many of them were men of high character, and well worthy of being entrusted with that duty. With regard to Servia, it was, in the first instance, agreed that a new form of government should be introduced into that country; but that intention had been changed, and he was glad to find that Servia was to be allowed to administer her own affairs. He had no doubt Servia would one day play a distinguished part in the East. With regard to Montenegro, that territory was still in an unsatisfactory state in respect to the sovereignty claimed over it; and it was, he regretted to find, to be allowed to remain in a state of uncertainty. He then came to the Black Sea, and he would here call attention to the circumstance that the Vienna Conferences had been broken off because Russia would not agree to the limitation then proposed. He would admit, that something had now been gained in regard to the forces to be maintained in the Black Sea by Turkey and Russia—gained so far as the treaty was concerned; that was to say, as long as the parties with whom the treaty was made were willing to abide by it. There was a limitation clause in the treaty, which stipulated that Russia should only have in the Black Sea vessels of a certain size. If Russia adhered to that stipulation, there would be no fear of the result of the treaty. But, in reality, this clause of the treaty was of very little importance, because there were a thousand ways in which Russia might evade the terms of the treaty. Large ships had been proved in the late war to be of very little advantage. Now, there was nothing in the treaty to prevent Russia from having a swarm of gun-boats in the Black Sea, only they must not be called gun-boats. They need not be armed, but they could keep the guns ready, and in case of a war the boats would be armed in a few days. Russia would have a right to introduce as many vessels of commerce as she thought fit into the Black Sea. Most of the steamers of war belonging to Russia during the late war he had himself seen pass through the Dardanelles as merchant vessels before the war; but when the war broke out they were used at once as vessels of war. He agreed with the noble Lord (Lord J. Manners) in strongly condemning the course which had been taken as regards Circassia. The very name of "Circassia" did not once occur in the protocols. He wished to know whether the blockade formerly established on the Circassian coast was to be continued? That was a question seriously affecting our commerce. We had hitherto been excluded from any commercial intercourse with Circassia; and that intercourse would be the best means of civilising the Circassians and bringing them into communication with Europe. There was no document or protocol existing, emanating from any European Power, which recognised the right of Russia to Circassia. On the contrary, we had always considered that Circassia was wrongly and unlawfully occupied by Russia. But this treaty contained a tacit recognition that Russia was in possession, and had a legal right to Circassia. The very fact of the Plenipotentiaries entering into discussion as to the power of Russia to rebuild the forts on the Circassian coast, admitted the right of Russia to that coast. He was willing to admit the distinction between a fort and a military arsenal. Russia ought to have the power of defending her coasts; but that was not the question; that was a right which might fairly be conceded to Russia. They could not prevent a nation from defending its own coasts, supposing that those fortifications were erected strictly for that purpose; but what he contended was, that the coast of Circassia was not the Russian coast. To raise the question whether Russia could or could not rebuild those forts was at once to admit that she had a positive right to the coast. It was certainly a hard thing to be compelled to give up the rights of an independent people, which undoubtedly were capable of being enforced as regarded Circassia, simply on account of our relations with France or Austria. He wanted to know how far this distinction between forts and ports would apply to our consuls. A consul was an officer entrusted with the supervision of trade; the Government had no right to demand an *exequatur* for a consul in a fort. Now, he wanted to know whether Sebastopol and Nicholaieff remained forts, or were merely ports. If they were forts, the Russian Government might refuse to admit a consul within them; and we should then be excluded from any means of information as to what was going on at Sebastopol or Nicholaieff. With reference to that question, the Government had made a most important and a very dangerous admission. Within the last few days, they had asked leave of the Russian Government to send ships into Sebastopol harbour for the purpose of removing the materials of war. The Russian commander said, the question must be referred to St. Petersburg, in order to obtain permission. Now, he wished to know whether Sebastopol harbour was to be closed for ever, and whether British ships were to be excluded from entering it. If so, that would be continuing a state of things which, among others, he had always understood the war was intended to put an end to. With regard to Nicholaieff, we had no consul there, and if it was regarded as a fort and not a port, what would be our protection? England could not go to war with Russia for building a vessel to-day or to-morrow, and we could not keep up a police to look into every corner of the Russian empire. So far, therefore, as that part of the treaty was concerned, he saw very little advantage in it, though, if Russia would adhere to the stipulation, he would confess there would be something gained. He was glad to find that the treaty recognised the old right of Turkey to close the Dardanelles and the Bosphorus. He thought it would be a most dangerous thing to open the Dardanelles and the Bosphorous to foreign fleets. If that had been done before the late war, the probability was, that Prince Menchikoff would have been in possession of Constantinople. With regard to the navigation of the Danube, he considered the provisions of the treaty excellent; and it was a wise course to have the Principalities represented in the Commission that was to regulate that navigation. The fifth article of the treaty contained an amnesty to those subjects of Russia who had been engaged in the war. He wished that something had been said about the inhabitants of the Crimea. Those poor people had been exposed to horrible tyranny. It was well known that the policy of Russia, for years, had been to exterminate the Tartar race. They were prevented from leaving the country; they could not make their pilgrimages to Mecca; everything was done to exterminate them. He wished, therefore, that something had been done by the Conference to guarantee their liberties. The seventh and eighth articles of the treaty were very important; they guaranteed the integrity and independence of the Turkish Empire, and placed it on a footing much more advantageous than it had before occupied. Such were the principal points of the treaty; and, taking them all in all, he thought Her Majesty's Government deserved great credit for it. When he saw the preliminaries he certainly was not prepared for so good a treaty. He confessed that the terms far exceeded any reasonable expectation which he had formed; and, in all fairness, he was bound to congratulate the Government on the treaty they had made, and on the principles which it embodied. He would not say that much more might not have been gained; but, assuming the principle laid down by Lord Clarendon, more had been gained by the treaty than he could possibly have hoped for. The right hon. Gentleman the Chancellor of the Exchequer had said that the fall of Kars had no influence on the terms of peace. He differed from that; the protocols showed that it had had an influence. If we had been successful in that quarter a most important rectification of the frontier might have been made, by restoring to Turkey two provinces of which she was deprived in the last war, and which would have been most important to her in another war. There was much in the protocols that was equally binding and important with the treaty, and did equal honour to Lord Clarendon. As to Italy, the language held by the noble Lord at Paris was worthy of this country. It was impossible to exaggerate the present state of Italy, or the degradation into which it had fallen. Unfortunately, it was the policy of Austria to make the opinion predominate in Europe that Italians were not practical, and not able to govern themselves; and, to further that policy, Austria had fomented the state of disunion which had led to such misery in Italy. He repudiated the idea, and would point to Sardinia as a proof of how successful the Italians were in governing themselves. What a contrast between the condition of Sardinia and the condition of the Roman States. In the Roman States few offices were held by laymen, and even when held by laymen they were entitled to all the privileges of ecclesiastics. The *privilegio di foro* exempted all priests and all parties bearing an ecclesiastical character from the control of any courts of law, except Ecclesiastical Courts, and that was carried to such an extent, that if one person in a suit was entitled to the privilege, though there were forty or fifty who were not, the suit must be adjudicated by the Ecclesiastical Court. No cardinal was subject to the law at all—he could not be summoned to the Ecclesiastical Courts without his own consent. If the canon and the common law clashed, the canon law was preferred, even in the common law Courts. The priests paid no taxes and therefore there was an immense idle population supported by the really industrious portion of the community. The inhabitants in the Papal States were disarmed, and the country was overrun by banditti. The roads were unsafe, and no one could go to a place, even in the immediate vicinity of Rome, without imminent risk of being plundered. Austria, having insisted on the people being disarmed, turned round now and used the argument of the insecurity thereby produced to induce Europe to tolerate her retaining possession of the Roman States. In 1850 there were 10,436 persons in the Roman prisons, and in 1854 the number had increased to 13,006. The existing state of things was intolerable. There was no law. The bishops had a right to imprison. The inquisition, the political governors of towns, and the police had a right to imprison. No man's house was safe for an hour; nobody knew what the law was; and he (Mr. Layard) had been told many times by Italians that they would rather live under the Austrian law, terrible and oppressive as that law was, than under the system which existed in the Roman States. The Austrians had, in addition, compelled the inhabitants to pay for their troops. The French, he was happy to say, had not done so. Suggestions which were made to the Pope for the improvement of the Government were despised, and up to the present day no change for the better had been effected. He left the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) to deal with Naples. But with regard to Sicily, it was almost impossible to conceive the state of that island. The best men were banished. There was some slight riot in the streets, got up by a few boys, without any political object whatever, and humane as the Governor was, he was compelled by the authorities, against his will, to do acts of great cruelty. In consequence of the riot, which was soon quelled, orders were issued to seize the first six men coming into the town and to shoot them in the public square. A party of men returning from enjoying themselves in the country were seized. One of them died of the shock when told the purpose for which they were seized; his body was dragged to the place of execution, and there his five companions underwent the terrible sentence, which he, by his death, escaped. By a most wicked and atrocious Government, Sicily had been changed from a fertile island into a desert. In Tuscany things were very little better. The Grand Duke was brought back by his own troops, and the first thing he did was to call in the Austrians. Although the troops, he believed, were withdrawn, the Austrian Generals still retained their command in the town. They had all heard of those persecutions for reading the Bible that were discreditable to any Government. Talk of Turkey! Why, there was infinitely more freedom of conscience in Turkey than in any part of Italy except Sardinia. Then look at the confiscations of property in Lombardy. Let his hon. and learned Friend (Mr. Bowyer) cross over into Sardinia and see the contrast which that country presented to any other part of Italy. The same state of things which existed in Sardinia would prevail elsewhere if they gave the people of Italy a fair chance of governing themselves, for some most practical men were to be found in all parts of Italy. It was impossible for Piedmont fully to develope its resources while the Austrian occupation continued, for the King of Sardinia was obliged to keep up an army in consequence, and every petty prince in Italy considered himself safe in persecuting his subjects because he knew he could fall back upon Austria. He was glad to see by the protocols that France had expressed a readiness to withdraw her troops from Italy, and he was sure that, if the Government thought it desirable to represent the necessity of a change of policy in Italy, they would be supported both in that House and out of it. He should be the last to interfere in the concerns of other nations. All that he wished was, that other Powers should not be allowed to interfere. He thought the proposal of Lord Clarendon wise and prudent, and he should be glad to see the Roman legations placed under a lay Government, with the French code of laws, and under the *suzeraintê* of the Pope. It would be a step also in the right direction if the Austrian army were withdrawn from the Legations. He could not think that the language of Lord Clarendon with regard to the Belgian press was open to the remarks of the noble Lord (Lord John Manners); but he considered that Count Walewski's *resumé* of the result of the five points he had submitted to the Plenipotentiaries was not borne out by the facts. Count Walewski stated that the Plenipotentiaries had agreed to the following proposition:—

> "That all the Plenipotentiaries, and even those who considered themselves bound to reserve the principle of the liberty of the press, have not hesitated loudly to condemn the excesses in which the Belgian newspapers indulge with impunity, by recognising the necessity of remedying the inconvenience, which is so greatly abused in Belgium."

[Mr. DISRAELI: That is signed.] He did not think this statement was justified by what Lord Clarendon had said, for the words "uncontrolled licence" in the protocol might mean anything. He certainly was astonished that Lord Clarendon had signed this protocol, and he trusted that they would have some explanation upon it from the noble Viscount at the head of Her Majesty's Government. With regard to the agreement of the Conference concerning privateering, he did not see any objection to this great advance in the practice of civilised States. In conclusion, he thought they had gained much by the treaty. The condition of the Christians in Turkey had been improved, they had been released from the Russian protectorate. The principle of the neutralisation of the Black Sea had been admitted, and Turkey had been placed in the European family. Those were great gains, and, in consideration of them, he was inclined to look over much in the treaty that he should otherwise have objected to. He agreed, for instance, with those who thought Circassia a great omission in the treaty. It was impossible to aver that the peace had been received with enthusiasm, and why was it that the country was not satisfied with the peace? Because the people of this country did not believe that Russia was sincere, or that this would be a lasting and durable peace, or that Russia, after a war of a couple of years, would change the policy of two centuries. He was astonished to hear hon. Members upon the Ministerial bench now praising Russia who two years ago believed her capable of committing any atrocity; but he believed that any man acquainted with history would not suppose that Russia, after two years' losses, which were not irremediable, would renounce the policy that formed the very essence of her Government. What was her policy at the present moment. She was now about to form railways and to unite the most distant parts of her empire, and she would no doubt continue to intrigue in Central Asia. The people were not satisfied, too, that the position of this country was at this moment what it was when this war broke out. The war had also shown the necessity of a change in our administrative system, and if this had been one of its results it would not have failed in its effect. He could not sit down without bearing testimony to the very able manner in which the negotiations had been conducted by Lord Clarendon and Lord Cowley. Looking at the services of the whole diplomatic body of this country, there was no one who, in his opinion, was more deserving of public gratitude than Lord Cowley. He had represented and maintained the honour of England with an ability that had never been surpassed, and he had shown a knowledge of his subject and an amount of independence which did him honour. The noble Lord had been many years at Constantinople, and he had brought to bear upon the consideration of this subject an amount of local knowledge which had been of the greatest assistance to Lord Clarendon. As that was probably the last occasion on which he (Mr. Layard) should address the House upon the subject of this war, he must therefore briefly notice the taunt which had been thrown out against the occupants of the bench where he sat, that they had done nothing. He thought that the occupants of that bench could look back with some satisfaction and pride at their efforts for the last two years. Who was it that had drawn attention to the state of the troops in the Crimea? Who was it that had brought forward the Motion which was intended to rescue those brave men from the "horrible and heartrending" condition in which they were stated to have been, but his hon. and learned Friend the Member for Sheffield (Mr. Roebuck)? Almost every Motion to obtain some change in that administrative system which had plunged us into disgrace had emanated from one or two Gentlemen on that bench, and he should, as long as he lived, look back without regret at the course which they had taken during the war. They might have been often wrong, but they had never brought forward a Motion for mere factious purposes, and their only object had been to do their duty conscientiously both to the House and to those who had sent them there.

Lord JOHN RUSSELL: Sir, the noble Lord opposite, the Member for Colchester, has very much blamed a particular part of this treaty, and has more than once applied the word "base" to the conduct of the Government; yet, as he had neither proposed any Amendment nor raised any opposition to the Address to the Crown, the debate must lose much of the interest and excitement that might otherwise belong to it. Still, as the subject is one of great moment, and as we have now to consider the settlement of a question which for half a century at least has occupied the minds of men, and which I am afraid may occupy them again at a future time, it is, I think, of such importance to consider the terms of the peace that we have made that I cannot refrain from offering to the House some observations upon it. I will say at once that I entirely differ from the noble Lord (Lord J. Manners) and that I believe that the conditions of peace are honourable to Her Majesty's Crown, and that they fully accomplish the great objects for which the war was undertaken. That is my persuasion with respect to this peace, and I think, if the House agree in that belief, that no lower or more feeble terms should be used in order to express that sentiment. The Ministers who, after the peace of Amiens, brought forward an Address to the Crown, did not insert in that Address the term "honourable" peace; and I think it was almost condemnatory of their own work that they did not so characterise the peace which they had themselves concluded. Now, with respect to the Motion before the House, I will take first the Articles in the order in which they have been placed over and over again, as they were sent from Vienna to St. Petersburg more than once, and as they have been finally adopted as the preliminaries of peace. The first of those articles respects the condition of the Principalities of Moldavia and Wallachia; and there can hardly be a question of greater gravity than that. We must recollect that, in 1774, by the treaty of Kainardji, special powers were given to Russia to interfere in certain respects with the condition of those Principalities; that the treaties to that effect were not only renewed from time to time, but strengthened; that the bonds were drawn closer and closer; that the supremacy of Russia over the nominal sovereigns of those provinces was more and more asserted; and that when at one time the alliance between Napoleon and Alexander the Emperor of Russia seemed to divide the world between them under their undisputed sway, the great object of Alexander in those negotiations was to obtain complete sovereignty and rule over the Principalities. With regard to that first object, it must be observed that, not to day, or at Paris, but, as my hon. Friend the Member for Aylesbury (Mr. Layard) has observed, for some time before the Conferences of Vienna, Russia declared her willingness to give up those treaties, to renounce all the advantages which she had acquired by them, and to consent that there should be no particular and exclusive protection of the Christians of these Principalities on the part of herself or of any other power. The conditions by which that arrangement is carried into effect seem to me to be very efficient for their objects. The Porte declares that the Principalities of Moldavia and Wallachia shall continue to enjoy all the privileges and immunities of which they are at present in possession. These privileges have long been a subject of dispute, and were so as late as the time of the mission of Prince Menchikoff to Constantinople. The Sultan has always declared that the privileges and immunities enjoyed by the inhabitants of those Principalities had been granted by the grace and favour of his ancestors, while, on the other hand, the Emperor of Russia had always endeavoured to induce them to believe that they have derived those privileges through his efforts, and that it is to him that they must look for the retention or extension of them. Now, Sir, in the 23rd Article of the present treaty, the Sublime Porte engages to preserve to the said Principalities an independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation; and those words are almost identical with the words used in the preliminaries to the Conference at Vienna, and Russia now does not recede from the professions she then made. The hon. Member for Aylesbury, however, says—and not for the first time—that there is a great difference between this Article and the Article agreed upon at Vienna, and that by the Articles agreed to at Vienna, Russia and Austria had at any time the power of coming into the Principalities and destroying the constitution conferred upon them. Now, Sir, I cannot think that any interpretation of the Article in the treaty proposed at Vienna could have justified that opinion of my hon. Friend. There was, it is true, an article in which it was stated that if any armed interference should take place in the Principalities, that armed interference should, either previously to its taking place or afterwards, be made the subject of European deliberation, and in the protocol referring to that Article there was a mistranslation which has doubtless led to some amount of misconception. The simple fact, however, is this, that as the Sultan could not in an ordinary state of affairs send his troops into the Principalities, although they acknowledged him as their suzerain, it appeared necessary that the Powers who were neighbours to those provinces, Russia and Austria, should take some precaution in order to prevent those Principalities becoming scenes of anarchy and a cause of alarm to their neighbours. By the present treaty I find that full precaution is taken to avoid such a state of things. The 27th Article provides that if the internal tranquillity of the Principalities should be menaced or compromised, the Sublime Porte shall come to an understanding with the other contracting Powers in regard to the measures to be taken for the maintenance or restoration of order therein. No armed intervention can take place without previous arrangement or agreement between those Powers. Now, there is, I admit, a difference between this article and the one proposed at Vienna. The article proposed at Vienna did not allow the Sublime Porte, although the suzerain of the Principalities, without concert with the other Powers, to enter them with her troops, and put down any insurrection which might take place, while the present Article provides that no armed intervention shall take place without previous agreement between the Porte and the other contracting Powers. But, while I admit the difference, I still say that both Articles provided for the continuance of those privileges to the inhabitants of the Principalities which were guaranteed to them by England and France, and at the same time they provided that Wallachia and Moldavia should not become the arena of disorder and confusion, or that if they did the suzerain of those provinces should have the means of restoring order. I come next to the question of the navigation of the Danube. With respect to that point, it appears to me that our successes at Sebastopol have been taken advantage of to obtain much greater security for the future for the free navigation of that river than it was possible to ask for, while our troops were still lying before that town. The Articles in this respect differ a little from the preliminaries. Russia has agreed that a line to mark her new frontier shall be drawn from the Pruth to the Black Sea, not a longitudinal line, but a line across the country by which the forts of Ismail and Novokilia will be placed within the territory of Moldavia, and Russia will be excluded from any power of interference with the navigation of the Danube—an interference which has hitherto been found so mischievous and injurious. It was said by Russia that that control which she exercised was exerted to improve the navigation of the Danube; but, in point of fact, there can be no doubt that it tended very much to impede the navigation of that river. I believe, Sir, that the whole of Europe, and this country no less than any other, will derive the greatest benefit from the improvement of the navigation of the Danube, and that Moldavia and Wallachia, and also Hungary and some of the other Austrian provinces at present little known, will acquire the means of developing their natural resources and their industry, which cannot but materially tend to their future prosperity; and at the same time to the general advantage of Europe. The provisions of the treaty are applicable to the whole course of the Danube, and I fully concur in the appointment of a French and English temporary Commission to clear the obstacles which at present impede the course of that river. I now, Sir, come to the third point, the point which proved a stumbling-block at Vienna, and which prevented any agreement between the belligerents. I mean, of course, the preponderance of Russia in the Black Sea. Now, Sir, as regards either limitation, counterpoise, or neutralisation, I do not think it possible that any treaty introducing either of those principles could be so framed that it would not be possible to pick a hole in it. Or one which Russia, if inclined to violate the faith of the treaty, might not find some excuse for breaking. We are often told, and I must say that I consider the assertion a foolish one, that Russia is not a Power to be dealt with like other Powers; that we cannot trust to her keeping the engagement into which she enters, and that as soon as she signs a treaty she will find some means of violating it. It appears to me that we must deal with Russia as we would with any other Power. Russia, no doubt, has ambition, but other Powers have ambition also, and if Russia agrees to a treaty which it is to her interest to preserve, and which is agreeable to the general tranquillity of Europe, we have, I think, no reason to believe that she will immediately violate it. If a treaty be found to be injurious to the interests of a country, and some means of violating it are obvious, I do not know of what country in Europe we could predicate a strict observance of that treaty. The objections to a system of counterpoise are obvious, and no doubt there are many objections to a system of limitation, and some can be urged against the system of neutralisation. No doubt Russia can have a number of gunboats unarmed, or even steamers, which, although built for commercial purposes, might readily be adapted for purposes of war. I can only say that I think that as much security has been taken for the future as it was possible to take, and that you could hardly tell Russia more than what Lord Clarendon told Count Orloff at Paris—that the stipulations of the treaty would be nugatory if a great fleet were to be prepared at Nicholaieff, and if the maritime resources of that place should be used for that purpose. It is hardly possible to believe that the Russians would ever have consented to destroy Nicholaieff; and as to the forts on the coast of Circassia, they are not arsenals, and cannot, therefore, be said to have anything to do with the neutralisation of the Black Sea. The proposal of neutralisation was, I believe, originated by a statesman, for whom I have the greatest respect, and from whom I have always experienced the greatest cordiality—I mean M. Drouyn de Lhuys, and I believe it affords as good a solution of the problem as could have been discovered. I come now to the fourth point, upon which the observations of my hon. Friend the Member for Aylesbury are so well worth the attention of the House that I hardly like to add anything to them. I believe, with him, that it was wise not to insist either upon inserting the hatti-sheriff as an article of the treaty, or upon annexing it to the treaty. The document is referred to in this solemn treaty; it is declared a law of the Turkish Empire, and we must expect that the Sultan will use all the means he can in order to carry it into effect. With regard to the actual Government of the Turkish Empire, I have hardly that respect for it which my hon. Friend entertains, because, whatever may be intended by the Sultan's Government, we all know that when you go 300 miles off in the heart of Asia, or the mountains of Thessaly, the Pashas and their officers may say, "What is this firman to us? We must not regard it. Let the irregular troops be sent out to collect the tribute from the villages;" and these irregular troops, as we know, kill many of the men, and carry the women into slavery, in spite of all the laws which the Sultan has enacted. It is therefore desirable, and I trust we shall see the day when the Sultan may be able, not only to enact just laws at Constantinople, but when, by reforming the corruption which debases and degrades his empire, he may appoint persons in whom he can trust to hold the subordinate offices in the provinces; and, where it is necessary to use force, in order to maintain obedience, we may, I hope, see employed a regular and disciplined soldiery, and not an irregular force, whose pillage and whose lawless violence have been so disgraceful and injurious to the Turkish Empire, and so degrading and ruinous even to the Sultan himself. I say, "ruinous to the Sultan," because it is the outrages and invasions of those irregular troops which lead the Christian subjects of the Porte, who have every reason to be satisfied with his toleration and satisfied with the absence of religious persecution, to dread the Government of the Sultan as a Government which affords no protection to the honour of their wives or the safety and sanctity of their homes. With regard, Sir, to this war, I may say in general—and I think every Member of Lord Aberdeen's Government who began the war must have felt the same—that if we had begun that war for the protection of Turkey against Russia, having no other prospect but that of seeing continued the abuses and misgovernment which caused and accompanied the decay of the Sultan's power in Europe, we should not have been justified in entering upon it. But it was our hope—a hope confirmed by this treaty of peace—that while we prevented an ambitious neighbour from planting himself in fair territories to which he had no claim or title whatever, we might at the same time open to the 10,000,000 or 11,000,000 inhabitants of these countries the prospect of better government, of security in their homes, and an acknowledgment of all those rights which in civilised parts of Europe contribute so much to the happiness and welfare of the people. I have said already I do not think that any Articles of any treaty, however framed (and these Articles appear to me to be drawn up with very great precision and skill), would give you security against aggression on the part of Russia. It has been a project long meditated; the present Emperor may refrain from carrying it into effect; we may have security during his life that he will not resume these ambitious projects; but taking that at the best, we cannot say that in the Articles of the treaty we possess perfect security that no attempt will ever be made at some future time to realise those projects on the part of Russia. I remember at the commencement of these disputes being very much struck by a political prediction made by a man perhaps as well entitled to deal in these predictions—always very hazardous—as any one—I mean the Emperor Napoleon. Napoleon said, when at the island of St. Helena, that the next war in Europe might very probably be owing to an attempt by Russia to get possession of Constantinople; that, according to his opinion, it was the only thing which could cordially unite England and France in one object; that such an attempt would cordially unite those two Powers; and he thought it likely that Prussia would join them under those circumstances. But he said—and this is a very remarkable part of the prediction—that Austria would take part with Russia; she would share in the spoils of the declining empire of Turkey; and therefore the efforts of France, Great Britain, and Prussia, would fail in preventing the march of the Russians to Constantinople. He added that this might not happen now; but it might happen in the day of one of the youngest among us, perhaps thirty-five years hence, and I believe the period mentioned in this prediction expired in 1852. There was something very remarkable here; but one point contained in the prediction could hardly fail to be particularly striking—namely, the confidence with which at that time the Emperor Napoleon spoke of the accession of Austria to the projects of Russia against Turkey. Now, in the beginning of 1853-4, the Emperor Nicholas spoke with a similar confidence of the agreement of Austria in any plan he might propose for the dissolution of Turkey. Well, but did not this furnish a suggestion well worthy of consideration by any Power which wished to resist these projects—namely, that it was desirable to obtain the assent and assistance of Austria in resisting, instead of aiding in these projects? Now, that was the course which has been taken by Lord Clarendon during the time he has held the seals of the Foreign Office—with much discouragement, with many reasons to complain of the backwardness of Austria, with many reasons to say that this was a question which interested her more than any other Power, and yet she was the last who would give her blood and her money for this purpose. With many discouragements of this kind, the plan has nevertheless been persevered in, and the result is the treaty of peace now under consideration. Because we must recollect that, although Austria had, as appeared to me, two objects in view—the one not to enter into the war at all, and the other to favour the Western Powers in their resistance to Russia; yet the first object was so much in her mind, and evidently so much at her heart—owing, perhaps, to particular circumstances—that it was very difficult to get the effective aid of Austria. Now, however, a treaty has been signed, entered into by Austria, in common with Great Britain and France, by which the independence and integrity of Turkey are guaranteed, and by which any attempt to violate that independence and integrity is made a *casus belli.* Now, Sir, I believe, so long as these Powers can keep together — so long as these Powers will resist these ambitious projects, that whatever changes may take place in the Government of Russia, even if you had a very ambitious prince instead of one who, to his honour, is so much disposed to pacific councils—I believe this Treaty would prevent Russia from carrying out her projects, and that thereby you have a security against the renewal of the war. Of course, if England and France were at war, and Russia had to deal with Austria alone, and obtained military successes over her, the treaty would fail of effect; but so would any treaty you could possibly frame. As far as words and as human wisdom can do so, the present treaty, I firmly believe, secures the integrity of Turkey; you cannot pretend to that perfect security which no human calculation and foresight can possibly hope to obtain. Such, then, being the case—such being the arrangements made with regard to the future, I think this House has every reason to be satisfied with what has been done; and if I am told that many people are dissatisfied, and if I believe, as I do believe, that my noble Friend was quite right when he said it was probable, if we went on with the war, that we should gain success in the campaign of 1856, and that at the end of the year we might obtain greater advantages than we now have, I only give the more honour to the Government; for, having it in their power, as I believe they had, to induce the nation to continue the war, yet, being satisfied in their own minds that the objects of the war had been fully accomplished, they have preferred peace to further bloodshed and to further warfare. Such, Sir, therefore, are my opinions as to the Treaty of Peace. There are, however, some things upon which, if I ventured upon criticisms, I should ask some explanations. I think, for instance, that, as regards that declaration of Count Orloff as to Nicholaieff, it would have been better to have had it formally delivered as an agreement between the belligerents than to have merely mentioned it in the protocols, subject, on a future occasion, to be disputed or explained away. I think, with regard to the Circassian forts—although I do not know that Circassia has, during the war, even shown that energy we might have expected, or even that inclination to fight for her independence, which might have induced us to bind ourselves to them—yet I do consider that the power which Russia has of restoring those forts is a great means of confirming her power in the Black Sea. My hon. Friend (Mr. Layard) and the noble Lord opposite (Lord J. Manners) have argued that Russia has no rights over Circassia. I believe her rights are confined to what were formerly the rights of Turkey. That Power had certain forts which she occupied by her garrisons; she had no sovereignty over the main land, her rights being confined to those forts. By the Treaty of Adrianople those forts were surrendered to Russia, who succeeded to the rights of Turkey, but to no more, and not one inch of ground beyond that which was occupied by the forts could she claim upon that account. Those forts, however, gave Russia the means of sending troops from Odessa and Sebastopol to the Asiatic coast. If I am told that no advantages could be obtained beyond those we have obtained, I confess, I would rather have heard that Russia had stipulated not again to occupy those forts than to have stipulated about the fortifications of the Aland Isles. I am aware that these stipulations were entered into with a view to the important interests of Sweden, but I would rather have given them up if I could have obtained the consent of Russia to abandon these Circassian forts, which had been already abandoned and destroyed during the war. Having made those criticisms, I will just remark upon one or two points brought under consideration by the protocols. Towards the end of the negotiations it appears that the French Minister brought under consideration the state of the Belgian press, and objected to what, no doubt, are great excesses and a lamentable abuse of the freedom of the press, but which, as far as my experience goes, belongs to that very freedom, and is inseparable from it. Lord Chatham said that, like air, the press was a "chartered libertine;" and I am not aware that since his time the press has become less "libertine" or less "chartered." The freedom of the Belgian press is secured by the constitution, and the offences of the press are punished by trial by jury; and, I think that no Ministry which the wise and constitutional Sovereign who presides over that country has ever had has ever proposed any alteration of the constitution upon the subject of the press, or has proposed to submit the press to a censorship, or to any more summary interference. I cannot but think, therefore, that, while we are all ready to say the Emperor of the French in his own dominions may regulate the press as he likes, if it be necessary for the peace and tranquillity of the country, without our having the least right of interference, yet, I think he should respect similar rights in others, and not call upon the Minister of England to do what must be most abhorrent to the feelings of the English nation —to interfere with the press of a foreign country. But there were other and far graver questions discussed in that Conference. The state of Greece—unfortunately a melancholy state—but one which, if examined, will show, not only much disorder, many outrages, great licence and corruption on the part of the Government, but also some of those proofs which any species of freedom and independence must produce in whatever part of the world it may be established. There is another subject, Sir, still more melancholy—the state of Italy. The state of Italy is what the hon. Gentleman who spoke last described it to be. I called the attention of my noble Friend at the head of the Government to that subject last Session, feeling confident that he would show, by his answer, how much he sympathised with the misfortunes of that misgoverned and much oppressed people. I was not disappointed. I heard the noble Lord enunciate sentiments perfectly satisfactory to me, and which showed that, if at any time he had the means, he would use his best endeavours to relieve them from the tyranny under which they suffered. Since then I have received from some persons protests and complaints as to my having spoken against the Italian Governments. I made further inquiries—looked into details, and the result has been I am more than confirmed in my original impression. I found the condition of the people in the Roman Legations was such as I could hardly have conceived. For instance, the police, having a suspicion of any man, however respectable, or of whatever rank, seize him, place him in a filthy dungeon, where they keep him for months, and, when asked, they refuse to grant him a fair trial; but at last tell him they are convinced there is nothing against him, and therefore they let him go. They let him out of prison in a place where he has no home and no means of following his profession, where he is subjected to a variety of restrictions, such as not being out after eight o'clock, and of not speaking to any suspected person. When he asks who are the suspected persons, he is told, "You know better than we who are suspected, but you must not speak to them." This is not only a tyranny over those unfortunate persons, but it is an oppressive atmosphere for all whom it encompasses. It must destroy the whole enjoyment of life, especially to men who, like the Italians, are quick in idea, sensitive in feeling, endowed with great imaginations, and aspiring to live under good government; to such a people a tyranny of this kind must be quite intolerable. Now, Sir, how is this state of things maintained? Why, by foreign intervention. We all know that there have been many foreign interventions since 1815, but such intervention has always been on account of the momentary overthrow of authority and of order to the momentary supremacy of some demagogical party; and when, after a short time, authority has exercised its legitimate sway, the foreign intervention has ceased. That has been the history of most foreign interventions since 1815. When we interfered in Portugal a few months saw our intervention at an end. But here is an intervention which has lasted for seven years. The time has surely come when we may ask, "Do you mean your occupation to be perpetual, or at what period do you propose to withdraw?" If the occupation be perpetual, it is the same as a Power seizing a territory which does not belong to it; it is an overthrow of the balance of power so far as that State is concerned. We should ask, too, "If you do not mean to occupy in perpetuity, what are the measures by which the authority of the legitimate Sovereign will be strengthened and be enabled to restore order?" That question might, I think, be answered; but it would be by the sacrifice of a good deal of the priestly power which has been the source of so much misgovernment in that unhappy country. It might also be answered by the sacrifice of the Austrian protectorate over Italy. I am very much in favour of the legitimate dominion of Austria, where she has a legitimate dominion. I think her position in the centre of Europe eminently useful to Europe, and that her influence and authority have often been used to withstand Powers more ambitious than herself. But she has no claim to the protectorate of Italy beyond what is given to her by the treaty of peace at Vienna in 1815; therefore, I trust that the words used by Lord Clarendon at the Conferences, and which I am assured by one who could not be mistaken, were stronger than those put in the protocol, will not be allowed to fall to the ground. Because, if you make a protest against the present state of Italy—if it is taken up by Austria with a refusal to discuss the question at all—you leave Italy in a worse state than you found it, and you will not be justified in what you have done. I have stated this strongly, but I have no intention of saying that Her Majesty's Government will not do all that it is possible to do on this subject. On the contrary, knowing that they will have the support of this House, and feeling, themselves, warmly on the subject, I believe they will take the measures that are necessary. I believe that those measures ought not to be hasty or abrupt. They should be conducted, in the first place, by counsel with the Emperor of the French, who found his troops in possession of Rome protecting the person of the Sovereign; and that in concert with the Emperor of the French we should speak the language of firmness and of reason to Austria. What should be the particular proposition, Government of course are to determine. It should be left to them to conduct the business. I think there should be no Resolution, no Address proposed on the subject, but that we should leave it entirely in the hands of the Government, evidently knowing, as I am sure they must know, that there is but one almost universal feeling in the country on this subject. But when speaking of the occupation of Italy by Austria, we must not forget that the people of the kingdoms of Naples and of Sicily are subjected to even a still more harsh and iniquitous rule than Italy. There is but one subject more that I shall touch upon, and that is, as to what the hon. Member for Aylesbury has said respecting the Motions which have been made in this House. I trust that with regard to the army the Government will take such measures, not with respect to regimental regulations, but with regard to the general staff of the army, as will make them more fit on a future occasion to meet the sudden requirements of a warlike state of things. But while I trust this will be their course, I hope they will not be led, I feel sure they will not be led, into the false notion that this country ought to be a great military Power. Although I believe that we are essentially a military people, and that in no long time we should be able to produce an army that would be able to cope with any other army in Europe, yet I trust that while we keep up, not only a respectable, but a considerable naval force, we shall not extend the expenses or the scale to our army. If we have an army well constituted and well commanded, with a better knowledge of the usages of war, there is no need whatever that that army should be of considerable extent. These are things which I think the Government ought to have full time to consider. It is a passage from war to peace. It is not a thing to be dealt with at once. A peace establishment requires great consideration, mature reflection, and a proceeding step by step before it is finally accomplished. But I do trust that such an establishment will be accomplished; and that former errors will not be allowed to be passed over because we are now at peace, but that every part of our establishments will be fully considered, and that without any pretence of our being a great military Power, we may do justice to our military spirit, and preserve our station in Europe as we deserve to maintain it, bright and unimpaired.

LORD CLAUD HAMILTON said, it was his intention to submit to the House a considerable modification of the second paragraph of the Address which had been moved. In that second paragraph it was stated that the House had learnt with "joy and satisfaction that Her Majesty had been enabled to establish peace." Now, he had listened to every speech which had been uttered that night, but had failed to perceive any indications of such joy having been expressed by those who had supported the Address. No one had ventured to say that the people out of doors hailed the treaty with either joy or satisfaction. The seconder of the Address was a Gentleman who usually spoke with considerable vivacity, but in the performance of his present task he had altered his tone considerably. The noble Lord who had just sat down had manifested neither joy nor satisfaction. On the contrary, he had stated his objections to several provisions of the treaty. The treaty did not touch on the subject of Italy, to which the noble Lord had so largely adverted, and he (Lord C. Hamilton), therefore, deprecated the introduction of it. He was not about to touch upon the general policy of the war or the terms of the peace, but to confine himself to its bearings on the gallant inhabitants of Circassia, and to endeavour to prove to the House that it was impossible for Russia to set up any just claim in Circassia founded on any cession of territory by Turkey. The power of rebuilding forts on the Circassian coast would confer great advantage on Russia. In order to show how impossible it was for Russia to found a claim, more especially a right, to the coast of Circassia, he would go back to the case of the *Vixen*, which was first brought forward by the present Lord Stratford de Redcliffe when he had a seat in the House of Commons. The owners of that vessel attempted to open a trade with Circassia, but before leaving this country to do so, they applied at the Foreign Office to know if any treaty or arrangement existed to interfere with their trading with that coast. They received an evasive reply, stating that it was not the duty of the Foreign Office to give advice on such matters, and referring the owners to Lloyd's. They then applied to Lloyd's, and were informed that no blockade existed to prevent their going there. The vessel arrived at Constantinople, and there again the owners made inquiries at the British Embassy, and were informed that no official notification of any blockade had been received. The vessel had landed some small portion of her cargo at Soujouk-Kaleh, when a small Russian vessel of war made her a prize, for breach of fiscal and quarantine regulations. The ship was taken into Sebastopol, and claimed as a prize. The owners applied to the British Consul at Odessa, and were informed that no notice of any blockade had been received there. So long as the right of capture was defended on the plea of a breach of Custom House and quarantine regulations it seemed probable that the Russian Government would restore the vessel, as it was perfectly clear that no such regulations had ever been notified to the British Consuls either at Odessa or Constantinople; but the case having gone to St. Petersburg, Count Nesselrode represented to the British Ambassador that there was an actual military occupation of the spot where the goods were landed and *de facto* a blockade of the coast. That was a complete deception. Mr. Longworth, who visited the spot shortly after the affair of the *Vixen*, states his readiness to give evidence on oath of the complete want of truth in that assertion of the Russian Government; and the present Government should respect his evidence, as he was the person employed by them to carry on negotiations with the Circassian tribes during the recent war. Mr. Longworth states that the only fort or place that has any military occupation in that vicinity is Alexandrinsky, a small fort of the name of Doba having been enlarged by the Russians and so named by them. This fort is quite out of sight of the spot in the Bay of Semez where the *Vixen* was captured, being separated by a headland that projects into the sea. There is no road from it to the bay in question. The garrison were completely hemmed in by the Circassians, and their riflemen would have destroyed any force that attempted to penetrate through the woods that lay between the fort and the bay. In short, the Circassians in that locality would as soon expect an invasion from Constantinople as from that fortress. But the Circassians had no means of making the truth known. Our Ambassador was deceived and silenced, and the rights of the Circassians were sacrificed. The fort of Soujouk-Kaleh was originally a small factory, raised by the Circassians themselves. It became the residence of a Turkish Commissioner, and was ceded to the Turks. In 1783, in a formal treaty, Russia acknowledged the right of Turkey to Soujouk-Kaleh and two other forts, named Anapa and Pote, and upon that old treaty was based the claim of Russia to the whole territory of Circassia. The Russian Government maps, however, distinctly laid down the whole territory as belonging to free and independent tribes; and although Russia, by treaty, ceded these three forts to Turkey, they were never claimed by Turkey. The Turks were anxious to keep up relations of amity with the Circassians, for the sake of their own social and domestic comfort, and maintained constant commercial intercourse, but they never claimed the territory. They did not even maintain these forts for purposes of any military occupation, but merely as places for commercial intercourse, where Turkish Commissioners resided, and there never was the slightest attempt to raise revenue or soldiers in that country, or to claim the inhabitants as subjects. The matter came to a point in 1829, when the Treaty of Adrianople was signed. The Russians claimed of the Divan the cession of the whole territory. The answer of the Divan was straightforward enough—that they could not cede what had never been theirs. Russia insisted, however, upon what she called a trifling cession, but which was, nevertheless, the cession not only of the trifling rights that Turkey really possessed, but of the whole extensive and valuable territory peopled by the different tribes of Circassia, to which the Sultan had never at any time laid claim; and in the Treaty of Adrianople the whole of that territory was ceded to Russia by Turkey under protest. He denied that Russia ever had any right to that territory, and it was the more incumbent upon that House to interpose because England had unfortunately acquiesced in the claim of Russia. As the representatives, therefore, of a free people, he called upon them to insist upon an undertaking from the Government that the Circassians would not be handed over entirely to the power of Russia. The very termination of the war had placed the Circassians in a much worse position than they were before it broke out, owing to the immense augmentation of the forces and military material collected in the vicinity of their territory, and to the fact that by the terms of this treaty England and France acquiesced for the first time in the claims of Russia to the possession of that territory. Hitherto it has never been acknowledged to belong to Russia either by right of treaty or conquest. But the noble Lord the Member for the City of London (Lord J. Russell) had declared he was not aware that the people of Circassia deserved very much of this country; indeed, it could not be denied that the feeling was pretty general that they seemed to regard the cause of the Allies with apathy. He would, however, beg the House to hesitate before it hastily joined in that condemnation of the Circassians—for there were many reasons to account for their not taking a more active part in the contest. In the first place their chiefs had been misled in the expectations which they had been induced to entertain that the seat of war would necessarily be in Asia. Having been summoned to Constantinople to concert measures against the common enemy, they left Turkey with the impression that they were to be aided by a large body of European troops, who were to serve as the nucleus of the army that was to oppose the Russians in Circassia. Now, he (Lord C. Hamilton) was quite sure that no absolute promise to that effect had ever been given, nevertheless encouragement had been held out justifying the expectation; and, therefore, when it was found that the allied generals had sailed for the Crimea, a feeling of disappointment and discouragement spread far and wide throughout Circassia, to dispel which nothing whatever was ever done. The House must bear in mind that these were a primitive people, who knew little of European politics, and whose whole feelings and interests were bound up in the gallant struggle they had so long maintained against the enormous power of Russia. They naturally looked to their own country as of the greatest importance. They wished to aid the Allies; but they having no regular army, no supplies, no commissariat, could not co-operate with regular troops in campaigns distant from their own homes. Their system of warfare resembles the ancient forays between Highland chieftains. Their ideas were, therefore, limited to operations near their own country, and they earnestly entreated a small body of regular troops with whom they could act—they at last reduced their requests to the presence of a single battalion —but the exigences of the Allies prevented even that small aid, so that they felt they were wholly neglected. Again, they must recollect, in estimating the claims of the Circassians upon them, how great had been the result of the attack which they made upon Tiflis, which compelled the Russian general to detach a *corps d'armée* to maintain that fortress. Another cause of the Circassians holding back was the unhappy differences with Mr. Longworth, the Commissioner — differences which undoubtedly were deeply to be regretted. Now, suppose the Circassians had said—"This is our time; Russia is in great straits, and we can make terms." Would any one be entitled to blame the Circassians if they had done so? Why, an assurance of their neutrality would have been, under the circumstances, an immense boon to Russia. But, no, the gallant people refused all the offers that were made to them, and they declined to take advantage of the excellent opportunity thus offered to them for the first time within five-and-twenty years. To leave the gallant people, therefore, as they were was certainly not the treatment which they deserved. For we had sent them a Commissioner—we had sent them arms as well as money, and had, in every way, placed them in direct hostility to the Russians. He must say, therefore, that a peace concluded as this one was, was not an honourable one. He would maintain also that the securities held forth in the treaty would prove wholly inefficacious. In the protocols, as well as in the treaty, there was an allegation of the neutrality of the Black Sea. What was the meaning of the term neutrality? They were told that the Black Sea was to be thrown open to the mercantile marine of the world. But how did that apply to the 250 miles of the Circassian coast; or what was meant by the declaration that it was to be open to them, "subject only to the regulations now in force." Why, the regulations on the Circassian frontier, for the last five-and-twenty years, had been a rigid blockade. What, then, was the meaning of the term "regulations now in force?" Even the noble Lord opposite did not quite approve of the power which had been given to rebuild the forts; but now, let him ask, what became of the neutrality if the forts were to be rebuilt? And let the House remark this power to rebuild was not confined to Anapa, Pote, and Soujouk-Kaleh, the three forts that did once belong to Turkey and might lawfully be ceded by her—but to all the forts constructed by Russia since the Treaty of Adrianople, whereby she endeavoured to maintain military sway over those gallant tribes. By this treaty we now for the first time formally recognise the unjust claim of Russia to the territory of that brave and free people. Again, at page 36, it was specified that the Black Sea was to be open to transports, which might be of any size. Why, they might include a vessel of the size of a 130-gun ship. Count Orloff contended that aboard these transports there should be a suitable armament, which was ultimately conceded by Lord Clarendon. Now, what was the meaning of a suitable armament? Who was to be the judge of what it was? The reply to that important question was adjourned at Paris. He hoped the Government would not upon this occasion follow the practice that had been pursued at the Conferences and adjourn the answer to all inconvenient questions, for adjournment seemed to him to mean an unconditional surrender to Russia. Again, the treaty of peace made mention of a full and complete amnesty to be granted by each of the contending Powers to such of its subjects as might have taken a part in the war antagonistic to it. Well, turning to another article, which bears upon and explains this amnesty, he would ask, what protection would it afford to the Circassians? He denied that the Circassians were the subjects of Russia, and therefore they were wholly excluded from the conditions of the amnesty. As a free and independent people they could not claim rights as subjects, and would therefore be exposed to the unmitigated vengeance of Russia. Unless, then, Her Majesty's Government could show that by the terms of the fifth article protection was secured to the Circassians, he should certainly press forward the Amendment which he had already sketched out. He would ask any man possessed of British feeling, whether it was consistent with the national spirit to approve of that article unless it secured protection for the Circassians. Nor were they without a precedent to guide them in obtaining for a people not directly concerned with a treaty of peace terms of security for the future against those with whom they might be at war. After the close of the last war, the inhabitants of Parga, a town in Albania, finding that they could no longer resist the attack of Ali Pasha, petitioned the British Government for relief, and begged to be placed under the same protection as the Ionian Islands. He (Lord C. Hamilton) was happy to say the appeal was responded to, and in the noblest manner, and the inhabitants were at once told they would not be left to the vengeance of the Turk. They were not only protected, but removed to a place of safety, and the sum of £150,000 was voted by Parliament to indemnify them for their losses consequent on leaving their former home. Upon the occasion of the discussion in that House, the noble Lord the Member for the City of London, then at the commencement of his distinguished career, advocating with great zeal the claims of that gallant people, said—

> "Would to God I could enter into the question of the cession of Parga with such effect as to be able to induce the House to commiserate the fate and relieve the situation of a wronged and gallant people."

After alluding to some anonymous writer who endeavoured to defend the transaction, the noble Lord proceeded—

> "He thought the general opinion of mankind would be that this was a case of as notorious treachery and as grievous injury as any that had ever yet occurred in the world. And what had been the consequence as regarded our own reputation? Our enemies always alluded with extreme anxiety to the case of Parga as an instance of our acquiescence in oppression and our desertion of the cause of freemen, and they reproached us with this fatal inconsistency, that we, who for ages and throughout protracted wars had stood forward as the champions of the rights of nations, were content when the enemies of the Parguinotes required their submission and the surrender of their rights, to act in a very different character, and upon principles contrary to those on which we had hitherto unsheathed our swords." [2 *Hansard*, ii. 106.

Now, he thought the case of the Circassians as well deserved the application of such eloquent language as those on whose behalf the noble Lord had spoken; and, he hoped the public spirit of this country had not degenerated, but that it would prove itself still ready to defend those gallant men who had so long defended their liberties against overpowering forces. Believing that, unless due security was given, these gallant people would not be protected from the vengeance of Russia, he should move the Amendment of which he had given notice.

Amendment proposed, in paragraph 2, line 3, to leave out the words "joy and :"

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR CHARLES WOOD: Sir, as during this discussion, many hon. Gentlemen have called for explanations upon various points from the Government, it is but due to them that those explanations should be given. I have listened with great pleasure to the speeches of my noble Friend the Member for London (Lord J. Russell) and my hon. Friend the Member for Aylesbury (Mr. Layard). No one can be better acquainted than the noble Lord with all that took place at Vienna, or than the hon. Member for Aylesbury with the state and condition of the Sultan's dominions; and, consequently, no Member of this House can be better qualified than they are to express an opinion upon the general provisions of the treaty. I was, therefore, much gratified to hear from them an unqualified approbation of the general terms of the treaty. I do not know even that we have much reason to complain of the observations of the noble Lord the Member for Colchester (Lord J. Manners), because, although he seems to be of opinion that it was impossible for us to make other than an ignominious peace, I think that even he has fully admitted that the treaty does accomplish all the objects for which the war was originally commenced. We have not, then, I think, much reason to complain of the noble Lord, who confined his objections to one point, omitted, as he said, from the treaty, but which appears to me never to have been contemplated as one of the objects of the war. The noble Lord has admitted the position maintained in the able speeches of the mover and seconder of the Address—namely, that the independence and integrity of the Ottoman Empire has been secured. He has admitted that, as regards the present, the integrity of that empire, both in Europe and Asia, is fully secured, and the only point upon which, in his opinion, the security of the Ottoman Empire is not attained for the future was, as regarded the state of those provinces lying between Russia proper and Turkey in Asia, and that opinion has been repeated by the noble Lord who has just sat down. The noble Lord who has just sat down has narrated various transactions which have taken place with regard to those provinces, of which I can only say, that I have never before heard of them. He has talked about our handing over to the dominion of Russia certain independent provinces, and has accused us of betraying those who were nobly struggling for liberty. Now, I can assure the noble Lord, that all nations gallantly struggling for freedom, will always command the sympathy of this House and of Her Majesty's Government; but, at the same time, I must ask him to explain what he means by our handing over provinces to the dominion of Russia, and also what are the provinces which we have so handed over? With regard to the Christian provinces, Georgia, Mingrelia, and Imeritia, the feelings of the population of those provinces were in favour of Russia rather than of the Allies, and certainly they took no active part against Russia in the prosecution of the war. Neither did they seek independence at our hands from the dominion of Russia, by whom they seemed to think they were well treated. The inhabitants of Daghestan, led by their gallant chief Schamyl, certainly were at war with Russia, but their territory is not on the Black Sea, but on the shores of the Caspian, and they have never co-operated with us. Nothing that the Government could do—except offering arms, which Schamyl declined—could possibly assist him in his operations. That chief did precisely what he pleased, and if report speaks the truth, very soon after the commencement of the war, there was a treaty made between him and Russia. Surely, then, the Government cannot be accused of handing Schamyl over to the Russians. The only people to whom such a charge might be supposed to apply, were those occupying that portion of the country in the neighbourhood of Anapa, with whom the Government were certainly in communication. But Her Majesty's Ministers never held out any expectation to them that they would land an army in Asia, with whom they might co-operate. The only occasion upon which, so far as I am aware, there was any question of co-operation between the Circassian or Abasian tribes and ourselves was, that in which an attack was made by our vessels on Soujouk-Kaleh. On that occasion the neighbouring tribes promised that they would operate on the land side, if we undertook to attack upon the sea side. Well, we did so; the Russians were driven out by the shells from our vessels, but the tribes did not appear at all, and the Russians retired unmolested, when they might all have been cut off. The accounts received so late as November last from the neighbourhood of Anapa, informed us that the people there were not disposed in the slightest degree to co-operate with us—that, on the contrary, they looked upon us almost in the light of enemies, because we endeavoured to interfere upon a point involving what the noble Lord (Lord C. Hamilton) so delicately calls their arrangements for the social and domestic comforts of the inhabitants of Constantinople, or, in other words, with selling their children as slaves. What, then, does the noble Lord mean, by saying that we handed over provinces to Russia? By the treaty of Adrianople, Turkey ceded to Russia the forts on the coast of Circassia, but it did not cede the territory of Circassia, because it did not belong to Turkey to cede; and that district is now, as regards its internal position, in precisely the same condition as it was before the war began. As to the Asiatic provinces of Turkey, the treaty expressly stipulates that the territories of Russia and Turkey in Asia shall be as they were before the war. As to the apprehension of the noble Lord that those districts will be subject to blockade, the treaty expressly states that—

> "Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions."

And that is the treaty to which Russia has pledged herself. As regards the districts to which the noble Lord refers, I must inform him that they are districts over which there is no fixed Government, and that consequently there is great difficulty in treating with them. Each chief is something like a Highland laird of the olden time, and in his own territory is independent of all control and acknowledges no superior; so that in order to treat with them, the first thing to be done must be to establish a Government, guarantee its continuance, and then secure some kind of alliance with that Government. I can only repeat that the condition of those provinces now is exactly the same as it was before the war began. I do not mean to say that if the war had continued the establishment of some sort of independence of Circassia might not have been attempted. I do not mean to say that if an independent country could have been set up between Russia on the one hand and Persia on the other hand, great benefits might not have been gained. But that assuredly was not the object for which the war was undertaken, and the question therefore resolves itself into this—should we have been justified in continuing the war on that ground, when the objects of the war, namely, the independence and integrity of Turkey, had been attained? The hon. Member for Aylesbury spoke of the "larger area" over which the contest must have spread if other objects had been attempted; and the hon. Member for Pontefract (Mr. Monckton Milnes) has lamented that the independence of Poland is not secured, and that the condition of Italy remains as it was. I regret the state both of Italy and of Poland; but, if the Government is to be blamed for not having secured the independence of Poland and the freedom of Italy, I believe that is a censure in which the great body of this House will not join. The forts along the Circassian coast were in the possession of Russia before the war begun, and there is no more reason why we should stipulate that those forts should not be rebuilt than there is for stipulating that the Turks should destroy their forts at Varna or at any other point on the coast of the Euxine. But in forming our judgment on these various questions, I agree with the hon. Member (Mr. Layard) in thinking that the treaty should be examined generally, and not with reference only to one single point. What is done for the security of Turkey? That object is effectually provided for by taking away from Russia the power of attacking Turkey suddenly and with an overpowering force by sea; it is provided for by the fact that Russia binds herself, in common with the other Powers represented in the late Conferences at Paris, to respect the independence and integrity of Turkey, and it is further secured by a treaty which has been laid on the table this day, and has been concluded between Austria, France, and England, guaranteeing the independence of the Porte. We have no right to treat Russia as a Power so faithless that she will break treaties as soon as they are made; and so far as can be done by treaty obligations, I assert that the independence and integrity of the Turkish Empire are fully secured by the treaty now under consideration. As to the other points embraced in it, the hon. Member for Aylesbury, well acquainted as he is with the condition of Turkey, has stated that with respect to the articles relating to the condition of the Christians, we have got more than he thought we could possibly have obtained. I was glad to hear the opinion expressed by him, that the firman securing to the Christians equal rights and privileges ought not to have been included in the treaty; our desire was to treat Turkey as an independent nation, and by doing so less opportunity is afforded to any Power at any future time to interfere in her internal arrangements. With respect to the Principalities, an hon. Member inquired whether the divan is to be elected during the occupation of the Austrian troops? The hon. Gentleman will find in one of the protocols that Count Buol declares that immediate measures will be taken for the evacuation of the Principalities by the troops of his Imperial master; and it is clearly understood that the Principalities are to be free from Austrian interference previously to any step which they may take for the future settlement of their affairs. With regard to the arrangements for the improvement of the navigation of the Danube, I have heard no dissatifaction expressed by any person as to the provisions introduced into the treaty on that subject. Those provisions are a great improvement upon what was contemplated at Vienna. The Russians are removed altogether from the banks of the Danube, and they have no power therefore to interfere with the navigation. I cannot help thinking that, seeing how the obligations which devolved upon Russia with respect to the navigation of this river have been hitherto neglected, there would have been but little security for the future freedom of the Danube if she had been left in possession of either bank. The next point to which some objection appears to be taken is the arrangement with regard to the neutrality of the Black Sea. At Vienna the proposal was to limit the Russian force, allowing her to retain a certain number of vessels of large size. Now, I cannot help thinking the present arrangement of neutralisation is a very much better one. The number of ships which Russia is allowed to retain in the Black Sea is reduced to ten light vessels of about the size of our second class gunboats. It has been objected by hon. Members that this provision of the treaty may easily be evaded. Now, it is difficult to provide a form of words which cannot be evaded by persons desirous of doing so, in the same way that it is said that there is no Act of Parliament through which a coach and six may not be driven.

So far, however, as words go, I think we have a security that the naval force I have mentioned will not be exceeded by Russia. No doubt it is true that gunboats may be built by her in some part of the rivers which run into the Black Sea, and guns may be provided for their equipment. But, could we decently impose on Russia the obligation that she should not build, at any distance from the Black Sea, in any of the rivers which run into that sea, vessels which upon occasion might not be converted into gunboats? Why, barges and lighters might upon an emergency be converted into gunboats, and to provide that no such vessels should be built would be carrying jealousy and prohibition somewhat too far. An hon. Member also said that merchantmen may be brought into the Black Sea, which may be subsequently armed. No doubt they may; but are we therefore to prohibit commerce in the Black Sea, and to say that Russia shall have no trading vessels there because they may hereafter be improperly used? To carry out our jealousy of Russia to such an extent would be entirely to defeat the object we had in view, which was to convert the Black Sea into a sea of commerce. We have no reason to suppose that Russia will not abide by her treaties, but, taking matters at the worst, this point at least has been gained—Russia cannot create in a moment a large naval force for purposes of aggression; and long before such a force could be called into existence, the British or French fleet would pass the Bosphorus and would sweep the waters of the Euxine as they have swept it before. Therefore, supposing—which I cannot believe to be possible—that Russia should attempt to break the treaty, ample time is given to us to guard against the effect of such a breach of faith. The hon. Gentleman the Member for Aylesbury (Mr. Layard) has expressed a fear that the people of the Crimea may not be treated well by the Russians. I am not aware that many of those people have at all subjected themselves to any hostility on the part of the Russian Government, but such as have will be protected by the amnesty contained in the fifth article of the treaty, than which nothing can be more complete and explicit. The stipulations in regard to the Aland Islands are of great importance. Those islands hung over Stockholm as much as Sebastopol hung over Constantinople, and, I think, that beyond those objects for which the war was undertaken, we have attained a great advantage in securing to a great extent the independence of Sweden both as regards the Aland Islands, and the districts in Finmark from the aggression of Russia. These are the principal stipulations of the treaty, and to me they seem to be stipulations which we ought to receive with joy and satisfaction. The hon. Gentleman (Mr. Layard) thinks, that the country is disappointed because the character of England has, during the progress of the late war, fallen in the estimation of Europe. I do not believe that such has been the case. I admit that at one time the complaints and misrepresentations of persons in this country, who did all they could to destroy its character, produced some effect on the minds of foreigners who made no allowance for our constitutional privilege and habit of grumbling, but I believe that all such feelings have been entirely removed by the events of the last year, and by the present condition of the British army in the Crimea. I have been informed by an eyewitness that the other day nearly 40,000 British troops were reviewed on the heights before Sebastopol, and that they turned out, to the admiration of the French, and to the astonishment of the Russian army, in such order that, were they being reviewed in Hyde Park, they could not have been in better health or more perfect condition. I agree with my noble Friend the Member for London (Lord J. Russell) that it would be most unwise, impolitic, and wrong to attempt to maintain a large standing army in this country, but I do hope that we shall from this war learn the important lesson that nothing can be such bad economy or so cruel to our troops as to deprive ourselves in time of peace of the means of sending out properly equipped, with the necessary auxiliary means, any force which it may in future be found indispensable to send from our shores. I do not think that any one can doubt our ability to send out a powerful fleet. Circumstances have prevented the navy from signalising itself so much as might have been desired during the late war; but all that was in its power it accomplished in a manner which was worthy of its former credit. I believe that if there is any want of enthusiasm in favour of the peace it is due in a great measure to the disappointment felt by the country that we cannot employ those magnificent forces which the liberality of Parliament has enabled the

Government to provide for carrying on the war. That feeling, I am convinced, will be but a transient one, and I am certain that the more the country looks into the treaty the more it will feel that the ends of the war have been attained, the better satisfied it will be both with the conduct of the war and with its termination, and the more disposed to hail the peace, in the words of the Address, with joy and satisfaction. Having attained the objects for which the war was undertaken, having provided for the safety of the Ottoman Empire, by depriving Russia of her ready means of assaulting it and by admitting that empire into the family of European nations, I do not think that we should have been justified in continuing the war, or that, had we continued it, we should have had a right to expect that Divine blessing which has hitherto crowned our exertions with success. I agree with my noble Friend the Member for London, that the alliances which we have formed, and the admission of Turkey into the system of European politics are additional securities for the maintenance of peace. I hope that the pacification which has just been concluded will be an enduring one; and, notwithstanding the opinions which have been expressed against it, I think that we are justified in saying that it is one which is honourable to the country, which has attained the object for which the war was undertaken. I therefore hope the House will reject the Amendment of the noble Lord the Member for Tyrone, and carry the Address by a large majority.

MR. LINDSAY moved the adjournment of the debate to-morrow.

MR. WALPOLE said, that he had precedence to-morrow for a Motion on the subject of education. He felt that it would be unbecoming in him to prevent the continuance of a debate on an Address to the Crown on such an important question; but, as he had last year postponed the same Motion in order to afford time for the discussion of a question of peace or war, he thought he had a claim upon the Government for a day. Friday had been given up by the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), and he hoped that that day would therefore be granted to him (Mr. Walpole).

VISCOUNT PALMERSTON said, he should feel very happy to comply with the right hon. Gentleman's request, for the very courteous manner in which the right hon. Gentleman discharged his duties in that House must make every one anxious to defer to him as much as possible. He regretted, however, that in the present instance it was not in his power to concur in the arrangement which the right hon. Gentleman had suggested. He quite agreed with him that, as the debate was founded on a message from the Crown, it was fitting that it should be continued without interruption. If they had arrived at the end of the Session when, in the ordinary course of affairs, there would be no probability of the right hon. Gentleman being able to bring on his Motion until many hon. Members had left town, the right hon. Gentleman would, no doubt, have a strong claim upon the Government to appoint some day for his Motion, but at the present period of the Session the appeal, he thought, was somewhat premature. An arrangement had been made by which the Police Bill was to be brought forward on Friday, which could not be disturbed. Although the hon. Baronet whose Motion had been fixed for Friday had postponed it, it was only a postponement, and the hon. Baronet no doubt believed himself to be entitled to the reversion of another day, in substitution for Friday, whenever he should think the proper time for bringing on his Motion had arrived.

MR. WALPOLE said, he must acknowledge the importance of losing no opportunity of proceeding with so important a Bill as the Police Bill, and would, therefore, be content to waive his claim on Friday. He would try the ballot once more; but so strong was his sense of the importance of the subject that, if he failed, he should feel justified in bringing his measure forward some day on the Motion for going into Committee of Supply.

Debate *adjourned*.

The House adjourned at Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXLI.

SECOND VOLUME OF SESSION 1856.

Explanation of the Abbreviations.

1*R*. 2*R*. 3*R*. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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